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PART II — Section 2

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NEW DELHI, FRIDAY, APRIL 27, 2012/VAISAKHA 7, 1934 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 27th April, 2012:—

BILL NO. 64 OF 2011

A Bill to provide for setting up of an Authority for rehabilitation and welfare of persons living in coastal zone and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Persons Living in Coastal Zone (Rehabilitation and Welfare) Act, 2011.

Short title,
application
and
commencement.

(2) It shall apply to the persons living in coastal zone in the States of West Bengal, Orissa, Andhra Pradesh, Tamil Nadu, Kerala, Karnataka, Goa, Maharashtra, Gujarat and Union territories of Pondicherry, Andaman and Nicobar Islands and Lakshadweep.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "Authority" means the National Authority for Welfare of Persons Living in Coastal Zone set up under section 3;

(ii) "coastal zone" means the land area from high tide line to five hundred metres on the landward side along the sea front; and

(iii) "prescribed" means prescribed by rules made under this Act.

Setting up of National Authority for Rehabilitation of Persons Living in Coastal Zone.

3. (1) The Central Government shall set up an Authority to be known as the National Authority for Rehabilitation of Persons Living in Coastal Zone.

(2) The Authority shall consist of,—

(a) the Union Minister of Environment and Forests, who shall be its Chairperson, *ex-officio*;

(b) twelve members representing each of the coastal States/Union territories to be nominated by the Central Government in consultation with the concerned State Governments;

(c) twelve members representing the persons living in each of the coastal zone to be appointed by the Central Government in such manner as may be prescribed;

(3) The salary and allowances payable to, and other terms and conditions of service of members of the Authority shall be such as may be prescribed by the Central Government.

(4) The Authority shall have its headquarter at Mumbai in the State of Maharashtra.

(5) The Authority shall establish its office in every coastal State and Union territory.

(6) The Central Government shall provide to the Authority such number of officers and other employees, as it thinks fit for the purposes of this Act.

Functions of the Authority.

4. (1) The Authority shall promote and provide, such measures as it thinks fit, for the rehabilitation and welfare of persons living in coastal zone.

(2) The Authority shall provide to the persons living in coastal zone the following facilities, namely:—

(i) alternate sources of livelihood;

(ii) dwelling units at alternate sites;

(iii) free educational facilities to the dependent children; and

(iv) healthcare facilities free of cost.

Central Government to provide funds.

5. The Central Government shall, after due appropriation made by Parliament in this behalf by law, provide requisite funds for carrying out the purposes of this Act.

Savings.

6. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force, regulating any of the matters dealt with in this Act.

Power to remove difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order to give such directions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,

both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Central Government has declared coastal stretches as Coastal Regulation Zone in the coastal States of India in order to conserve and protect coastal stretches and its unique environment. However, the problems of fishing communities and persons living in coastal regions have not been addressed properly to ensure their livelihood security. No approval for new construction or repair of existing dwelling units is given to persons living in coastal stretches. Lakhs of inhabitants are residing in Coastal Regulatory Zone (Types I, II and III) in Mumbai alone and several lakh persons may be residing in other coastal areas of the country. Many of the houses are in dilapidated condition and any natural calamity such as tsunami could result in heavy loss of lives and property. Since the regulation is in force, the houses which require urgent repairs cannot be rebuilt. Lakhs of people are suffering. There is a dire need to protect our coastal areas from all aspects, including environment and security, but the need to rehabilitate the affected persons living in coastal zone also cannot be underestimated.

Hence this Bill.

NEW DELHI;
August 2, 2011.

SANJEEV GANESH NAIK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of the National Authority for the welfare of persons living in coastal zone. It further provides for salary and allowances payable to the members of the National Authority. Clause 4 provides for certain welfare measures to the people living in coastal zone. Clause 5 provides for payment of funds to the Authority by the Central Government.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two thousand crore will be involved.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 119 OF 2011

A Bill to provide for a system of cash transfer to the persons who are beneficiaries of the public distribution system; ensure better delivery of goods to entitled citizens and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Phased Incorporation of Cash Transfers in Public Distribution System Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) “Antyodaya Anna Yojana” means the scheme meant for the poorest families from amongst Below Poverty Line (BPL) families identified by the State Governments/ Union territory Administrations and entitled to receive food grains at highly subsidized rates;

(ii) "Cash transfer" means cash payment to targeted eligible households in place of subsidised goods under the Public Distribution System;

(iii) "current monthly entitlement" means monthly quantity/amount of goods sanctioned under the Public Distribution System as given in Schedule II;

(iv) "Fair Price Shop" means a Fair Price Shop as defined in the Public Distribution System Control Order, 2001 issued under the Essential Commodities Act, 1955;

10 of 1955

(v) "Household" means a nuclear family comprising mother, father, and their children, and may include any person wholly or substantially dependent on the head of the family provided that a single-member shall also constitute a household were such a person is not dependent on any other person and has no persons dependents on her or him;

(vi) "Household Head" shall mean a woman unless there is no adult woman in the household in which case it shall be the oldest member of the household; and

(vii) "Public Distribution System" means Public Distribution System as defined in the Public Distribution System Control Orders, 2001 issued under the Essential Commodities Act, 1955 as specified in the Scheduled I to this Act.

10 of 1955

Appropriate Government to frame rules for cash transfer.

3. (1) The appropriate Government shall, as soon as may be, frame rules for providing not less than ten per cent. of their total expenditure in Public Distribution System as cash transfers to the beneficiaries.

(2) The cash transfer provided under sub-section (1) may be effected in such manner as may be prescribed by the appropriate Government.

(3) Till such time as the rules are framed,—

(i) the proportion of cash transfer referred to under sub-section (1) shall be increased from time to time so as to increase to not less than fifty per cent. within five years from the commencement of this Act;

(ii) the amount given as cash transfer shall be delinked from the central issue price under the Public Distribution System;

(iii) the amount given as cash transfer shall be equivalent to current monthly entitlement per family calculated at market prices; and

(iv) the amount of cash transfer shall be linked to the Consumer Price Index with provision for commensurate changes every quarter as per the movement of the index.

Establishment of Oversight Council.

4. (1) The Central Government shall, by notification in the Official Gazette, establish an Oversight Council to calculate and sanction monthly expenditure for cash transfers in such manner as may be prescribed.

(2) The Council shall consist of the following persons:—

(i) the Chairman and Managing Director, Food Corporation of India shall be the Chairperson of the Council, *ex officio*;

(ii) a Joint Secretary from the Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution as member;

(iii) a Joint Secretary from the Ministry of Finance as member; and

(iv) such number of other members as the Central Government may deem necessary.

Central Government to provide funds.

5. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds required for the implementation of this Act.

6. Notwithstanding anything in this Act, the fair price shops may continue to operate for such commodities as are not covered by cash transfers and also in such areas where lack of functional local markets makes these commodities inaccessible.

Fair price
shops to
continue to
operate.

7. (1) The Provision of cash transfer shall apply to all beneficiaries of the Public Distribution System.

Application
of the cash
transfer
scheme.

(2) The beneficiaries of the provision of cash transfer shall include the following:—

(i) persons who have been identified as living below poverty line for the purpose of issue of foodgrains at specially subsidized rates by the appropriate Government and are currently identified under the Antyodaya Anna Yojana; and

(ii) persons who have been identified as living above poverty line and have been issued ration cards for issue of foodgrains under the Public Distribution System by the appropriate Government:

Provided that fifty per cent. of cash transfer shall be subject to such conditions as may be determined by the appropriate Government after taking into consideration the income slab of the beneficiary.

8. (1) Subject to such guidelines as the appropriate Government may lay down, the cash transfer shall be made to the bank account of the household head of the family in the first fortnight of every month.

Cash transfer
to be made to
the bank
account of
the eldest
adult female
member.

(2) In cases where it is not possible to open a bank account for any reason whatsoever, the money shall be given in cash to the household head of the family.

(3) With a view to ensure that the cash transfer reaches the intended beneficiary the appropriate Government may link the cash transfer scheme with Aadhaar or any such other technologically viable basis as it may deem fit.

(4) The appropriate Government shall screen the beneficiaries from time to time through such methods including social audit as it may consider necessary with a view to remove the names of such persons who no longer fulfil the criteria for being included in the list of beneficiaries under this Act.

(5) The appropriate Government shall designate an officer to conduct 'public hearing' at block level to attend to the complaints from beneficiaries and to ensure the redressal of their problems.

Power to
make rules.

9. (1) The appropriate Government may, by notification in the Official Gazette make rules to carry out the provisions of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

SCHEDULE I

SCHEMES COVERED UNDER THE ACT

(1) Public Distribution System (Control) Order, 2001 as amended by the Public Distribution System (Control) (Amendment) Order, 2004 [Published in the Gazette of India Extraordinary, Part II, Section 3, sub-section (i) *vide* G.S.R. Number 392 (E) dated 29.06.2004]

(2) Public Distribution System Kerosene and domestic LPG Subsidy Scheme, 2002
(Notified in Official Gazette *vide* No. P-20029/18/2001-PP dated 28.1.2002)

SCHEDULE II

[See section 2 (iii)]

Current entitlement norms

Kerosene: Subsidy of Rs. 0.82 per litre on PDS kerosene.

Foodgrain: 35 kg. per family per month are allocated to States/Union Territories for Below Poverty Line (BPL)/Antyodaya Anna Yojana (AAY) families. Allocations of foodgrains to Above Poverty Line families range between 15 kg. and 35 kg. per family per month.

Sugar: Minimum quantity of 500 gms. per capita per month with projected population as on 1st March, 2000.

STATEMENT OF OBJECTS AND REASONS

This past decade has seen several countries make highly successful transitions towards cash transfer system. Not only do they provide more accurate access to beneficiaries but also plug leakages in large-scale public distribution systems. In 2005, the Planning Commission estimated that the Government spent Rs. 3.65 to transfer Re. 1 worth of food, suggesting leakage of about 70 per cent. This places a considerable financial burden on the Government that spends more money on ensuring that goods reach their intended destination rather than on the goods themselves.

Therefore, the Government could easily cut its subsidy bill as well as improve target efficiency by directly transferring money into the hands of its beneficiaries. By rolling out a system of cash transfers in a phased manner, the Government can save hundreds of crores per year and allow beneficiaries access to a wider range of outlets and services.

Studies have shown that targeted cash transfer programmes are often more efficient in reaching the poor. Furthermore, delinking transfer benefits from their minimum support prices and have them regulated by the free markets would dis-incentivise hoarding of cheap grain.

Incorporating cash transfers in a timely, targeted manner would make our current public distribution system better suited to meeting the needs of a growing population as well as help break the cycle of hunger, malnutrition and poverty that plagues those that lack full access to the current benefits.

Hence this Bill.

NEW DELHI;
November 9, 2011.

BAIJAYANT PANDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for cash transfer to the beneficiaries of the public Distribution System which shall rise fifty per cent. in five years. Clause 4 provides for the setting up of an Oversight Council to sanction the amount required for cash transfers. Clause 5 provides that the Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds required for the implementation of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five thousand two hundred and fifty crore is likely to be involved per annum.

A non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the appropriate Government to frame rules for the cash transfer to be effected. Clause 9 empowers the appropriate Government to make rules to carry out provisions of this Act.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 71 OF 2011

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Assam.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2011.

Amendment
of Part II of
Constitution
(Scheduled
Tribes) Order,
1950.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part II.— Assam, under the heading "In the State of Assam including the Bodoland Territorial Areas District and excluding the autonomous districts of Karbi-Anglong and North Cachar Hills", for entry 8, the following entry shall be substituted, namely:—

"8. Mising."

c.o. 22.

STATEMENT OF OBJECTS AND REASONS

Mising tribe is the second largest tribe in Assam. However, in the Constitution (Scheduled Tribes) Order, 1950, in respect of the State of Assam, the Mising tribe has been listed as "Miri" in Entry 8 (under the heading "In the State of Assam including the Bodoland Territorial Areas District and excluding the autonomous districts of Karbi-Anglong and North Cachar Hills") of the List.

The representative bodies of Mising tribe including the *Mising Agom Kebang* (Mising Language Society) and the people belonging to Mising tribe in general have been demanding for long that the name "Mising" be substituted in place of "Miri" in the Scheduled tribes list of the State since "Miri" is a derogatory term and was given to the "Mising" community by the then British regime and outsiders. A change is, therefore, required in the Scheduled Tribes List of Assam in as much as in place of the existing Entry "Miri", the name "Mising" is to be inserted in order to enable the "Mising" community to be listed by its correct name.

Therefore, it is proposed to amend the Constitution (Scheduled Tribes) Order, 1950 in respect of the State of Assam to achieve the above objective.

Hence this Bill.

NEW DELHI;
August 2, 2011

BIJOYA CHAKRAVARTY

BILL NO. 80 OF 2011

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2011.

Amendment of the Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XIV.—*Tamil Nadu*, the existing entries 3 to 36 shall be renumbered as entries 4 to 37 and before entry 4 as so renumbered, the following entry shall be inserted, namely:—

"3. Badaga.".

C.O. 22 of 1950.

STATEMENT OF OBJECTS AND REASONS

There has been a long pending demand of persons belonging to Badaga community to include them in the list of Scheduled Tribes in respect of the State of Tamil Nadu. The 'Badagas' are living in the Nilgiri's district of Tamil Nadu State. In the census of 1931, the Badagas were classified as a tribe. The Badagas are an ethnic and linguistic minority tribal group with a distinct culture and heritage of their own. Their literature, belief, primitive traits, geographical isolation, backwardness, distinct culture and faith reveal that they are still animistic in nature and thus fulfil all the criterion to be declared as a tribe. Their condition is similar to Todas, Kotas and Kurumbas living in the Nilgiri's hills for several centuries. This does strengthen their claim to be categorized as a Scheduled Tribe.

Badagas are an agricultural community and are engaged in growing traditional crops like Ragi, Samai, Thenai, Barley, etc. Most of these small growers are socially, economically and educationally backward. The State Government has forwarded the request, on behalf of Badaga community, to the Union Government to include this community in the list of Scheduled Tribes in relation to the State of Tamil Nadu by way of amending the Constitution (Scheduled Tribes) Order, 1950. However, no positive action has been taken by the Union Government in this regard.

The Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950 in order to include 'Badaga' community in the list of Scheduled Tribes in relation to the State of Tamil Nadu.

Hence this Bill.

NEW DELHI;
August 25, 2011.

K. MURUGESAN ANANDAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include Badaga community in the list of Scheduled Tribes in respect of the State of Tamil Nadu. The Bill, therefore, if enacted, would involve recurring and non-recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to these tribes under the ongoing Central Schemes meant for development of the Scheduled Tribes. At this stage, it is not possible to give an estimate of amount to be incurred on this account. It is estimated that a recurring expenditure of about rupees one hundred crore will be involved per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL NO. 90 OF 2011*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2011.

Insertion of
new article
24A.

2. In Part III of the Constitution, after article 24, the following sub-heading and article shall be inserted, namely:—

"Right to time-bound delivery of service

Right to time-
bound delivery
of citizen
related
services.

24A. (1) All persons shall have the right to time-bound delivery of citizen related services.

(2) The State shall, within six months of the coming into force of the Constitution (Amendment) Act, 2011, by law, ensure the implementation of the right to time-bound delivery of citizen related services.

(3) In making any law providing for effective implementation of the right to time-bound delivery of citizen related services, the State shall ensure that—

(a) every organization providing citizen related services compulsorily draws Citizen's Charter giving such information as details of business transacted by the organization, statement of services including standards, quality and time-frame, the procedure regarding availing the services, the details of grievance redressal mechanism, the procedure for accessing the mechanism and the compensation in the event of failure of delivery of service;

(b) every person who is responsible for providing delivery of service is held liable in the event of failure to deliver service within the stipulated time-frame;

(c) as far as possible, the delivery of services, is also provided in a stipulated time period through e-governance; and

(d) the law applies to all organizations, whether governmental or non-governmental providing services on behalf of State, which provide citizen related services.”.

STATEMENT OF OBJECTS AND REASONS

As India attained independence in 1947, the citizens were quite optimistic that the social evils afflicting the great ancient Indian culture would fade away and that Independence would usher in a new era of "Ram Rajya"—the dream of Mahatma Gandhi, the Father of the Nation. Many social evils like female infanticide, dowry, sati, etc. are being checked by enacting laws, however, unfortunately, the evil of corruption has assumed gigantic proportions in the absence of any effective law to contain it.

People have to offer bribes to get their works done like works relating to land records, issue of birth and death certificates, registration of properties, issue of driving licences, registration of vehicles, sanction of loans, issue of Scheduled Castes/Scheduled Tribes certificates, grant of scholarships to Scheduled Castes/Scheduled Tribes, issue of passports, electricity and water connections, settlement of issues relating to income tax and other taxes, issue of ration cards and host of other works. Even foreigners and Non-Resident Indians visiting India have to face the ignominy of paying bribes for their genuine works. Such instances of corruption damage the image of our country internationally. It is also well-known that the people are made to come again and again for getting their work done on one pretext or other.

The country-wide support that the social activist Shri Anna Hazare garnered recently in his efforts to ensure enactment of a strong and effective Jan Lokpal Bill must be seen as an outburst of the anger of masses against the wide-spread corruption prevailing at each and every level of administration. The situation needs to be controlled through political and administrative efforts unless it becomes explosive.

Therefore, it is high time that the right to time-bound delivery of citizen related services be made a Fundamental Right. At the same time, it is also necessary to make it obligatory on the Central Government and the State Governments to enact appropriate laws for effective implementation of this Right.

Hence this Bill.

NEW DELHI;
September 1, 2011.

SATPAL MAHARAJ

BILL No. 82 OF 2011

A Bill to provide for the setting up of a National Commission for Horticulture Development and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Horticulture Development Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "Commission" means the National Commission for Horticulture Development set up under section 3;

(ii) "horticulture" includes vegetables, fruits and flowers and their products; and

(iii) "prescribed" means prescribed by rules made under this Act.

National
Commission
for
Horticulture
Development.

3. (1) The Central Government shall set up a Commission to be known as the National Commission for Horticulture Development.

(2) The Commission shall consist of:—

- (i) a Chairperson to be appointed by the Central Government;
- (ii) three members to be appointed by the Central Government; and
- (iii) one representative of the growers of horticulture.

(3) The salaries and allowances and other conditions of service payable to the Chairperson and other members of the Commission shall be such as may be prescribed.

4. The Central Government shall make available necessary officers and staff including technical experts to the Commission for efficient functioning of the Commission.

Central
Government
to provide
officers and
staff for
efficient
functioning of
the
Commission.

State
Government
to send
detailed
information to
Commission.

5. Every State Government shall send detailed information to the Commission regarding:—

- (i) the total area under horticulture cultivation;
- (ii) the product-wise output in horticulture sector;
- (iii) the estimated annual demand for horticultural products;
- (iv) the potential of growth of horticultural products;
- (v) the export potential of horticultural products; and
- (vi) the potential for setting up of industries based on horticultural products.

6. (1) The National Commission shall, on receipt of information from a State Government, depute a team of experts to the State to study the situation of horticulture in the State.

(2) The team of experts shall submit a report to the National Commission at the earliest but not later than three months from the date of study tour conducted in that State.

(3) The Commission shall, on the basis of the report submitted by the team of experts, release funds to a State for the development of horticulture including for setting up of industries based on horticultural products.

Horticulture
Development
Fund.

Power to
make rules.

7. The Central Government shall set up a fund to be known as the Horticulture Development Fund to implement the provisions of this Act.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The importance of horticulture in improving the productivity of the land, generating employment, improving economic conditions of the farmers and entrepreneurs, enhancing exports and most importantly, providing nutritional security to the people is well known. Though India ranks first in the world in the production of vegetables and second in the production of fruits, the situation of industries based on the processing of horticultural products is not encouraging. There is a great potential for growth of horticulture and industries based on processing of horticulture products including their export. But this important sector has not been properly harnessed so far.

It is, therefore, proposed to set up a National Commission for Horticulture for the promotion of cultivation/production of horticultural products and industries based on processing of horticultural products.

The Bill seeks to achieve the above objectives.

JAGDAMBIKA PAL

NEW DELHI;
September 5, 2011.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a National Commission for Horticulture Development. Clause 4 provides that the Central Government shall make available necessary officers and staff for the efficient functioning of the Commission. Clause 6 provides that the Commission shall release funds to States for the development of horticulture. Clause 7 provides for creation of a Horticulture Development Fund. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crore will be involved.

A non-recurring expenditure of about rupees twenty thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 12 OF 2012

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 2012.

2. In section 164A of the Code of Criminal Procedure, 1973, for sub-section (1), the following sub-section shall be substituted, namely:—

2 of 1974.

Short title.

Amendment
of section
164A.

"(1) Where, during the stage when an offence of committing rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman, with whom rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted, as far as possible, by a female registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a female practitioner, by any other female registered medical practitioner, with the consent of such woman or of a person competent to give such consent on her behalf and such woman shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of such offence."

STATEMENT OF OBJECTS AND REASONS

India is a vast country, with majority of population being illiterate, living in rural areas and not aware of their rights. It is, therefore, essential that law should adequately address the problems of vulnerable group of the society and take care of their interests.

Instances of rape have become very common not only in rural areas but also in urban areas. Of late, most of the urban areas have become unsafe to live and it has become very difficult for girls and women to go anywhere without proper escort and protection. The plight of working women who stay in office to work during late hours is distressing.

In accordance with section 164A of the Code of Criminal Procedure, 1973, medical examination of a victim of rape shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner with the consent of such woman or of such a person competent to give such consent on her behalf.

Due to liberal interpretation of section 164A of the Code by several High Courts, it has become a mandatory practice that medical examination of a rape victim is conducted by a female doctor only (wherever female doctor is available), as the victims would be more comfortable with female doctors. It is, therefore, urgently required to make explicit provision in section 164A of the Code that the rape victims shall be examined/investigated by female registered medical practitioner only and, in hospitals run by the Government or a local authority where such female doctor is not available, by any other available female registered medical practitioner so that the victim is comfortable and does not face any other problem.

Hence this Bill.

NEW DELHI;
February 22, 2012.

SUMITRA MAHAJAN

BILL NO. 84 OF 2011

A Bill to provide for the constitution of a Regulatory Authority for regulation of Pre-Examination Coaching Centres and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement

1. (1) This Act may be called the Pre-Examination Coaching Centres Regulatory Authority Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'Authority' means Pre-Examination Coaching Centres Regulatory Authority constituted under section 3;

(b) 'pre-examination coaching centre' means and includes any institute or establishment where any coaching is imparted for admission into any professional course including medical or engineering education or for appearing in any examination conducted by any Government or private establishment for the purpose of securing employment; and

(c) 'prescribed' means prescribed by rules made under this Act.

3. (1) The Central Government shall constitute a Pre-Examination Coaching Centres Regulatory Authority for the purpose of regulating and controlling pre-examination coaching centres, in such manner as may be prescribed.

Pre-
Examination
Coaching
Centres
Regulatory
Authority.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority.

(3) The headquarter of the Authority shall be situated at New Delhi.

(4) The Authority shall have its offices in every State/Union territory.

4. The Authority shall perform the following functions,—

Functions of
the Authority.

(i) conferring recognition to pre-examination coaching centres imparting coaching for various competitive examinations;

(ii) prescribing fees to be charged from students for pre-examination coaching being imparted at the coaching centres;

(iii) fixing minimum number of classroom lectures for various courses being offered at the coaching centres;

(iv) laying down minimum qualifications for the teachers to be employed in the coaching centres;

(v) prescribing penalties against such coaching centres which are not following the provisions of this Act; and

(vi) any other work relating to regulation of coaching centres as may be assigned to it by the Central Government from time to time.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The number of private institutions conducting pre-examination coaching is increasing at an alarming rate throughout the country. These coaching centres claim to be shaping the future of the youth of this country. Some of these coaching centres make false claims in order to attract maximum number of students and get huge amount from them as fees without providing proper coaching to them, thereby endangering their future. Therefore, there is an urgent need for legislation to regulate the functioning of such coaching centres in the country.

Hence this Bill.

NEW DELHI;
September 5, 2011

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Pre-examination Coaching Centres Regulatory Authority. The Bill, therefore, if enacted, is likely to involve expenditure from Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore is likely to be involved per annum.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 83 OF 2011

A Bill to provide for the establishment of an autonomous Board for the overall development of economically backward areas of the country.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. This Act may be called the Backward Areas Development Board Act, 2011.

Short title.

2. (1) The Central Government shall, by notification in the Official Gazette, declare the areas of the country which in the opinion of the Central Government are economically backward.

Identification
of Backward
areas.

(2) Till such time the Central Government by notification declares, the following areas shall be treated as backward areas:—

- (i) Vidarbha region of the State of Maharashtra;
- (ii) Telangana region of the State of Andhra Pradesh;
- (iii) Southern districts of the State of Tamil Nadu;
- (iv) Northern areas of the State of Bihar;

- (v) Tribal areas of the States of Orissa, Madhya Pradesh and Chhattisgarh;
- (vi) Hilly regions of the State of Uttar Pradesh;
- (vii) State of Himachal Pradesh;
- (viii) Hilly areas of the State of Uttarakhand;
- (ix) North-eastern States; and
- (x) Eastern part of the State of Uttar Pradesh.

Backward Areas Development Board.

3. (1) There shall be established by the Central Government, by notification in the Official Gazette, a Board to be called the Backward Areas Development Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and Board may, with the previous approval of the Central Government, establish offices at other places in the country.

Composition of Board.

4. The Board shall consist of the following members, namely:—

(a) a Chairman, who shall be the Vice-Chairman of the Planning Commission, *ex-officio*;

(b) a Vice-Chairman to be appointed by the Central Government;

(c) six Members of Parliament of whom four shall be from Lok Sabha and two from Rajya Sabha to be elected by the Members of the respective Houses, who belong to the backward areas, from amongst themselves;

(d) nine members to be appointed by the Central Government to represent respectively:—

(i) the Planning Commission (other than the Chairman of the Board);

(ii) the Ministry of the Central Government dealing with Agriculture;

(iii) the Ministry of the Central Government dealing with Industrial Development;

(iv) the Ministry of the Central Government dealing with Finance;

(v) the Ministry of the Central Government dealing with Railways;

(vi) the Ministry of Central Government dealing with Communications and Information Technology;

(vii) the Ministry of the Central Government dealing with Education;

(viii) the Ministry of the Central Government dealing with Health and Family Welfare; and

(ix) the Ministry of the Central Government dealing with Irrigation.

(e) not more than five members to be appointed by the Central Government, by rotation in alphabetical order, to represent the Government of the States having the backward areas; and

(f) four members to be appointed by the Central Government, who, in the opinion of that Government, are experts in various fields of economic development.

Development of Backward Areas.

5. (1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the all-round development, under the control of the Central Government, of the backward areas of the country.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall take measures for the development, particularly, of railways, roads, posts and telegraphs and other means of communications, agriculture and irrigation, industries, banking, drinking water and water power, forests, live-stock, health and family welfare, education, vocational training and tourism in the backward areas of the country.

(3) The Central Government shall set up such industries in the backward areas as it may determine.

6. The Central Government shall provide from time to time, after due appropriation made by Parliament by law, adequate funds for—

- (a) development works undertaken by the Board; and
- (b) administrative expenses of the Board.

Appropriation of fund.

7. The Board shall have a fund to be called the Development Fund to which shall be credited all receipts from the Central Government for the purposes of development of the backward areas and all payments by the Board towards development expenditure shall be made therefrom.

Development fund.

8. The Board shall also have a fund to be called the Administration Fund to which shall be credited all receipts from the Central Government for the purposes of administration of the Board and all administrative expenses shall be met therefrom.

Administration fund.

9. The Vice-Chairman of the Board shall be entitled to such salary and allowances as may be prescribed by the Central Government.

Salary of Vice-Chairman.

10. The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties as may be delegated to him by the Chairman and the Vice-Chairman.

Secretary to the Board.

11. The Board may appoint such officers and employees as may be necessary for the efficient performance of its functions.

Appointment of officers and staff.

12. (1) The Board shall submit every year a report, in such form as may be prescribed, of its development activities in the backward areas to the Prime Minister.

Annual Report.

(2) The Prime Minister shall cause the report to be laid before each House of Parliament as soon as may be after receipt of the report.

13. (1) The Central Government may make rules for carrying out the purposes of this Act.

Powers to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of thirty days as aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be made without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

The need for reducing and removing economic disparities between different regions of the country was recognised as soon as the nation launched the programme of planned economic development. Accelerated development of backward areas, with a view to reducing regional disparities, was one of the important national objectives. But, even after sixty-four years of independence, the economic disparities among regions have not only persisted but have also increased. Required attention has not been paid to develop the backward areas.

For the development of the backward areas of the country and to bring them up in a short time to the level of the rest of the country, the strategy should be to evolve a fully integrated development programme for identified backward areas to ensure their all round progress. For drought-prone areas which have a predominance of small and marginal farmers, area based programmes which envisage a flow of the necessary inputs in the form of a package to enable accelerated economic development should be implemented. In addition, a programme of giving incentives to enable accelerated industrialization of identified backward areas should be implemented. It should be ensured that infrastructural facilities like power, water supply and transport are steadily developed and made available to areas which are at present lagging behind industrially or where there is a greater need for providing opportunities for employment. In order to achieve these objectives, an autonomous body, though under the overall control of the Central Government, should be established which would be responsible for planning and implementation of area based package programmes in coordination with the Planning Commission and the State Governments.

The Bill seeks to achieve the above objective.

NEW DELHI;
September 5, 2011.

JAGDAMBIKA PAL

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3) OF
THE CONSTITUTION OF INDIA

[Copy of D.O. No. H-11016/25/2011-MLP dated 20 October, 2011 from Dr. Ashwani Kumar, Minister of State in the Ministry of Planning and Minister of State in the Ministry of Science and Technology and Minister of State in the Ministry of Earth Sciences to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the Backward Areas Development Board Bill, 2011 by Shri Jagdambika Pal, Member of Parliament, has recommended the consideration of the Bill by Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Backward Areas Development Board. Clause 4 provides for appointment of Vice-Chairman and four members who are experts in various fields of economic development, among others. Clause 9 provides for payment of salary to Vice-Chairman. Clauses 10 and 11 provides for appointment of a Secretary to the Board and other necessary staff for performance of the functions of the Board. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees fifteen lakh from the Consolidated Fund of India on account of administrative expenses. So far as the development expenditure (Clause 6) is concerned, that will form part of the annual expenditure on development plans of the country as a whole, and the development funds shall be made available to the Board after due appropriation by Parliament. An estimate of such expenditure is not possible at this stage. However, a recurring expenditure of about rupees ten thousand crore is likely to be incurred.

A non-recurring expenditure of about rupees fifty crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will provide for matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 85 OF 2011

A Bill to provide for clearance of Jhuggi-Jhopri clusters and slum areas and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Slums and Jhuggi-Jhopri Areas Clearance Act, 2011.
- (2) It extends to Union territories only.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) "building" includes any structure or erection or any part of a building but does not include a plant or machinery comprised in a building;

(b) "competent authority" means such officer or authority as the Central Government may, by notification in the Official Gazette, appoint as the competent authority for the purpose of this Act;

(c) "jhuggi-jhopri" means a small roughly built house or shelter usually made of mud, wood or metal having thatched or tin sheet roof covering;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "slum" means an area consisting of jhuggi-jhopri clusters, badly built and over-crowded houses and buildings; and

(f) "slum clearance" means the clearance of any slum area by, demolition and removal of buildings therefrom.

3. The competent authority may, from time to time by notification in the Official Gazette, declare any area to be a slum area within the meaning of this Act.

Competent authority to declare slum areas.

4. The competent authority shall give adequate notice to inhabitants of slums and jhuggi-jhopri clusters before their demolition.

Competent authority to give adequate notice to inhabitants of slums and jhuggi-jhopri clusters.

5. (1) All the residents of slum clearance areas shall be evacuated and accommodated at convenient locations till alternate houses are built by the Central Government.

Alternate accommodation to residents of slum clearance areas.

(2) The houses build under sub-section (1) shall have all necessary basic facilities.

Removal of jhuggi-jhopri areas.

6. As soon as may be after competent authority has declared any slum area to be a clearance area, the Central Government shall cause such slum area to be cleared of all jhuggi-jhopri clusters and other buildings removed from that area.

7. On and from the date of commencement of the Act, no person shall be allowed to set up any jhuggi-jhopri in any area.

Ban on setting up of jhuggi-jhopri areas.

8. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Crores of people in our country are at present living in slums and jhuggi-jhopri clusters under inhuman conditions. There are no basic facilities of potable water, electricity, sanitation and health services in these areas. However, people have no other option but to live in such slums and jhuggi-jhopri clusters. The problem is more appalling in Metropolitan cities and other big cities where people migrate in large numbers in search of employment. Poverty forces them to find shelter in slums and jhuggi-jhopri clusters.

It is duty of the Government to provide alternate houses with basic facilities to persons who are living in slum areas. The Government should also see that slum areas do not come up and those which are already there should be demolished.

The Bill seeks to achieve the above objective.

NEW DELHI;
September 8, 2011.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the Central Government shall provide alternate houses with all basic facilities to those who are living in slum areas. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand five hundred crore will be involved as a recurring expenditure per annum.

A sum of rupees four hundred crore will also be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 88 OF 2011

A Bill to check unauthorised entry of foreign nationals into the country and for their deportation and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Influx of Foreign Nationals into the Country Act, 2011. Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "dependent" includes wife and children of an unauthorised foreign national;

(b) "document" includes a valid passport, visa or a travel permit;

Survey to identify unauthorized foreign nationals.

Deportation of unauthorized foreign nationals.

Punishment for giving shelter to unauthorized foreign nationals.

Measures to prevent entry of unauthorized foreign nationals.

Maintenance of National Register.

Identity cards to citizens.

Deportation of persons overstaying in the country.

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "unauthorised foreign national" means a person who has entered or sneaked into the country without a valid document.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be, after the commencement of this Act, undertake a survey to identify all unauthorised foreign nationals living in the country.

(2) The information so collected shall be made public forthwith through notification in the Official Gazette.

4. (1) The Central Government shall, soon after the survey is over, prepare a list of unauthorised foreign nationals in the country and prepare a phased programme for their deportation to the countries of their origin.

(2) No unauthorised foreign national shall be allowed to stay in the country on the ground of his long and continuous stay or his having acquired immovable property in the country.

(3) No educational facilities, financial assistance or such other assistance, as may be prescribed, shall be provided to an unauthorised foreign national in the country.

5. Whoever knowingly gives shelter to an unauthorised foreign national or conceals the identity of such person shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.

6. The Central Government shall take the following steps to prevent entry of unauthorised foreign nationals into the country:—

(a) proper fencing of the international borders and establishment of adequate number of check points, as may be required, along the international borders of the country;

(b) putting in place a proper mechanism of monitoring the international borders including sea coasts.

7. (1) The Central Government shall prepare and maintain a National Register containing names and such other particulars, as may be prescribed, of all the citizens who are usually residents of the country since 15th day of August, 1947 and descendants of such persons and citizens of the country as defined in the Citizenship Act, 1955.

(2) The Central Government shall, before the name of a citizen is entered in the register, ascertain the bonafides of that person or his parents.

(3) The names of unauthorised foreign nationals or their dependents or descendants shall not be entered in the register.

8. Every citizen of the country shall be issued an identity card duly signed by the District Magistrate or any other Officer, of the Central Government or the State Government, as the case may be who may be unauthorised in this behalf by the Central Government.

9. The Central Government shall take necessary steps to—

(a) detect and deport foreign nationals who came to India on the basis of valid documents but did not leave the country on the expiry of the time limit specified in their documents;

(b) publish list of foreign nationals who have over-stayed in the country; and

(c) trace such persons and deport them to the countries of their origin.

57 of 1955.

10. Notwithstanding anything contained in this Act or the Citizenship Act, 1955, the Central Government may, on an application made in the prescribed form, grant civil, political and citizenship rights to the nationals from Pakistan or Bangladesh who were or are compelled to migrate to India due to religious persecution, discrimination, victimisation or intimidation.

Assistance to foreign nationals compelled to migrate to India.

31 of 1946.

11. The provisions of this Act shall be in addition to and not in derogation of the Foreigners Act, 1946 or any other law for the time being in force.

Application of other laws not barred.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There has been a large scale influx of unauthorised foreign nationals into our country since 1947. The States of Assam and West Bengal are worst affected by this unchecked influx of foreign nationals. This has put a heavy burden on the country which is already affected by over population. The presence of unauthorised foreign nationals in the country has also been a source of threat to the National security and integrity of the country.

It is necessary to detect all such unauthorised foreign nationals and deport them to the countries of their origin. There is also a need to maintain a National Register of all the citizens and to issue identity cards to them.

The Bill seeks to achieve the above objectives.

NEW DELHI;
September 9, 2011.

BIJOYA CHAKRAVARTY.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for conducting survey of unauthorised foreign nationals in the country. Clause 4 provide for a phased programme of deportation of unauthorised foreign nationals to the countries of their origin. Clause 6 provides for measures to prevent entry of unauthorised foreign nationals. Clause 7 provides for maintenance of a National Register of citizens. Clause 8 provides for issuing of identity cards to all citizens of the country. Therefore, the Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crore per annum.

A non-recurring expenditure to the tune of rupees fifty crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 100 OF 2011

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2011.	Short title.
2. In article 85 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—	Amendment of article 85.

"Provided that the number of sittings of each House of Parliament in all sessions in a calendar year shall not be less than one hundred and twenty days.".

Amendment of
article 174.

3. In article 174 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

"Provided that the House or each House of the Legislature of States, where the Legislative Assembly consists of more than seventy members, shall sit and transact business for a minimum of seventy days and where the Legislative Assembly consists of seventy or less than seventy members; for a minimum of fifty days in a calendar year."

STATEMENT OF OBJECTS AND REASONS

Over the years, the number of sittings of the two Houses of Parliament are decreasing. Reduction in the number of sittings ultimately infringes on the constitutional roles of Parliament as a watchdog of democracy.

Various conferences of presiding officers have also expressed their concern on duration of sittings of legislatures. It may be pertinent to mention that at their conference in Chandigarh in 2001, the presiding officers unanimously adopted the report on "Procedural uniformity and better management of the time of the House". This report, *inter alia*, recommended that there should be some constitutional provision regarding minimum number of sittings of legislatures. It should be one hundred sittings for the bigger States and sixty sittings for the smaller ones.

The constitutional scheme does not provide for a fixed number of days of a Session of Parliament or State Legislatures. The Sessions of Parliament are convened by the Government which also fixes the number of days for which the Houses would sit.

Thus, in order to ensure that the legislatures have sufficient time to debate and deliberate upon issues concerning the nation as a whole and public at large, it is necessary that a reasonable minimum number of sittings of both the Houses of Parliament are fixed. Accordingly, it is proposed to amend the Constitution to ensure that the Houses of Parliament sit for at least one-hundred and twenty days during a calendar year. It is also proposed to amend the corresponding articles of the Constitution to ensure that the House or each House of the Legislature of a State with less than seventy members shall sit and transact business for a minimum of fifty days and the other Houses for a minimum of seventy days in a calendar year.

Hence this Bill.

SATPAL MAHARAJ

NEW DELHI;
November 8, 2011.

BILL NO. 93 OF 2011

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2011.

Insertion of
new article
30A.

2. After article 30 of the Constitution, the following heading and article thereunder shall be inserted, namely:—

"Right to water and sanitation

Right to clean
drinking water
and sanitation.

30A. (1) Every citizen shall have access to adequate potable water and sanitation.

(2) The State shall, within two years of the coming into force of the Constitution (Amendment) Act, 2011, by law, ensure proper implementation and monitoring of the right to potable water and sanitation.

(3) In making any law providing for implementation and monitoring of the right to potable water and sanitation,—

(i) the Union Government shall ensure that,—

(a) sufficient funds are provided to the State Governments;

(b) Sanitation and Water Service Authority be constituted at the national level to oversee the implementation and monitoring of the right to potable water and sanitation;

(c) a permanent River Authority is constituted at the national level to ensure proper cleaning and maintenance of inter-State rivers and to decide on the distribution of water of such rivers among the riparian States;

(ii) every State Government shall ensure that,—

(a) the funds provided by the Union Government are distributed to the *Panchayats* in an equitable manner for providing water and sanitation facilities in each district;

(b) local bodies within the State constitute special Sanitation and Water Service Authorities at the district level with the following functions:—

(i) to arrange adequate number of piped water connections;

(ii) to remove refuse from premises;

(iii) to sweep and water streets;

(iv) to provide and maintain at suitable places facilities for deposit, disposal or destruction of refuse;

(v) to provide and maintain public drinking water facilities and public sanitary conveniences;

(vi) every person or authority responsible for providing or maintaining or monitoring water and sanitation facilities under the law is held liable in the event of failure to perform his functions under the law.

Explanation.—In this article, “State Government” includes, in the case of a Union territory, the Central Government.”.

STATEMENT OF OBJECTS AND REASONS

Access to clean drinking water and sanitation is essential for dignified living of human beings on the earth. Lack of water and sanitation facilities lead to various health hazards and make people vulnerable to diseases particularly water borne diseases. In our country water resources are adequate. However, due to ineffective implementation of water and sanitation management policies, the water resources have remained untapped for human use. Therefore, there is an acute shortage of drinking water in almost every part of the country.

The right to clean drinking water and sanitation does not find any explicit mention in our national law and is also not enshrined as a fundamental right in our Constitution. However, the courts in India including the Supreme Court have interpreted article 21 of the Constitution as encompassing the right to safe water and sanitation.

While citizens have the right to access to safe and clean drinking water, the right to sanitation is equally important. The people should also have facilities and services like collection, transport, treatment and disposal of human excreta, domestic waste water and solid waste and associated hygiene promotion. Water must also be available for good personal hygiene. Toilets must be within or in the immediate vicinity of each household or workplace. Above all, access to clean drinking water and sanitation facilities must be affordable.

It is true that several social and economic rights take years to be realized fully. There is no dispute that the Union Government as well as the State Governments are making continued efforts to provide clean drinking water and sanitation facilities to citizens. However, these basic rights are still not available to the citizens in absolute terms. It is, therefore, necessary that some time limit be imposed on the State within which the citizens must start enjoying these rights as fundamental rights. Such an amendment of the Constitution would ensure better services by the authorities responsible for implementing and monitoring the water and sanitation schemes as there would be a fear of being dragged to the courts for violation of fundamental rights of citizens.

Hence this Bill.

NEW DELHI;
November 8, 2011.

SATPAL MAHARAJ

BILL NO. 101 OF 2011

A Bill to provide for management and welfare of Indian citizens employed outside the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Overseas Workers (Management and Welfare) Act, 2011.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Fund” means the Overseas Workers Welfare Fund established under section 6; and

(b) “overseas worker” means and includes any Indian citizen who is employed outside India by a person who is not an Indian citizen or any company or any enterprise or any vessel which is not registered in the territory of India but does not include

Maintenance of Register of Overseas workers.

Assessment study.

Formulation of welfare schemes.

Overseas Workers' Welfare Fund.

Compulsory registration of recruiting agencies.

Punishment.

Act to have overriding effect.

Power to make rules.

Indian citizens working in the organs or agencies of the United Nations Organization (UNO).

3. The Central Government shall prepare and maintain a Register of all overseas workers containing names and such other particulars including the country in which they are employed, in the manner to be prescribed.

4. The Central Government may from time to time undertake or cause to be undertaken, using agencies as it may consider necessary, studies in the countries where there are substantial number of overseas Indian workers, with a view to assess the following in regard to overseas Indian workers:—

- (i) access to basic human rights;
- (ii) access to health facilities;
- (iii) access to legal remedies; and
- (iv) ability to live in a safe and secure manner.

5. (1) the Central Government shall formulate and implement welfare schemes for overseas workers in such manner as may be prescribed.

(2) Without prejudice to the generality of the foregoing provision, such schemes shall also provide for,—

- (a) insurance and disability cover;
- (b) old age protection;
- (c) orientation and skill upgradation; and
- (d) such other provisions as the Central Government may consider necessary.

6. (1) The Central Government shall set up a Fund to be known as the Overseas Workers' Welfare Fund.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, grant such sums of money to the Fund as the Central Government may think fit for carrying out the purposes of this Act.

7. It shall be mandatory for all persons or agencies involved in the recruitment or placement of Indian citizens for employment with foreign nationals or companies outside the country to get themselves registered with such authority, as may be designated by the Central Government for the purpose.

8. Whoever, in contravention of section 7 recruits any person for employment outside the country, shall be punished with simple imprisonment for a term which may extend to five years and with fine which may extend to rupees five lakh or with both.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are about five million Indians employed outside the country. More than ninety per cent. of this work force is in the Gulf countries. There has been a consistent and steady increase in the number of persons going abroad in search of employment.

The problems being faced by Indian overseas workers are manifold. Non-payment or delay in payment of wages, harsh working and inhuman living conditions, substitution of contracts, retention of passport, cheating by intermediaries, incidents of physical abuse and sexual exploitation, etc. are common. In most of the countries, access to legal remedy is denied to Indian workers. In many cases Indian workers do not get the benefit of social security contribution paid during their employment abroad, after they return to India, due to various reasons.

Therefore, there is an urgent need for a legislation providing for the management and welfare of Indian citizens working abroad. The Bill, *inter alia*, seeks to provide for:—

- (i) registration of all Indian citizens who migrate from the country in search of employment;
- (ii) empowering the Central Government to frame welfare schemes for overseas workers; and
- (iii) compulsory registration of recruitment agencies etc. and for punishment for those agencies who carry out the business of recruiting persons for overseas employment without registration.

Hence this Bill.

NEW DELHI;
November 8, 2011

P.T. THOMAS

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the maintenance of a register of overseas workers. Clause 4 provides for an assessment study in the countries where there are overseas Indian workers. Clause 5 provides for formulation and implementation of welfare schemes for welfare of overseas workers. Clause 6 provides for setting up of an Overseas Workers' Welfare Fund for welfare of overseas workers.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of expenditure likely to be involved as the exact amount of expenditure likely to be involved will depend upon the number of schemes formulated by the Government. However, it is estimated that an annual recurring expenditure of about rupees two hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 112 OF 2011

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2011.Amendment
of article
370.**2. In article 370 of the Constitution :—****(a) in clause (1),—****(i) sub-clause (a) shall be omitted;****(ii) in sub-clause (b), the Explanation shall be omitted;****(b) Clause (2) shall be omitted;****(c) For clause (3), the following clause shall be substituted, namely:—****"(3) The provisions of this article, unless made inoperative sooner by the President, shall cease to have effect on the expiration of a period of sixty-two years from the commencement of this Constitution."**

STATEMENT OF OBJECTS AND REASONS

Article 370 was incorporated in the Constitution as a temporary provision keeping in view the special circumstances prevailing in the State of Jammu and Kashmir at the time of its accession. It was included in order to define the political and constitutional structure of the State. Therefore, the status of this State differs from the other States in many respects due to the existence of the provisions of article 370 even though sixty-one years have passed since the Constitution came into force. This has happened inspite of the fact that the said provisions are clearly termed in the Constitution itself as temporary in nature. The situation which existed at the time of incorporation of the special provisions in the Constitution does not exist today. The people of Kashmir have been participating regularly in elections to the Parliament and State Legislature, which has proved that Jammu and Kashmir is equally placed with other States of the country. Article 370 has, therefore, lost its relevance today. Moreover, the application of a temporary provision for almost sixty-one years without any rationale does not make sense. In fact, due to this article, the economy of the State has lagged behind as private sector is not interested in investing in the State on account of its unique status. The arrangements under this article have led to step-motherly treatment to the people of the State. What is more serious is that this provision gives countries that are not friendly to us, an opportunity to raise the Kashmir issue in various international fora.

Therefore, in the interest of the people of the State, this article should cease to operate so that the State enjoys the fruits of progress of the country in all fields, as enjoyed by the people of other States and would also develop a feeling of brotherhood with the rest of the country.

Hence this Bill.

NEW DELHI;
November 8, 2011.

HANSRAJ GANGARAM AHIR

BILL No. 114 OF 2011

A Bill to provide for compulsory sports education in schools upto class twelfth and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Sports Education in Schools Act, 2011.

(2) It shall extend to the whole of India.

(3) It shall come into force with immediate effect.

Definition.

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "prescribed" means prescribed by rules made under this Act; and

(iii) "school" means any school providing education upto class twelfth.

3. (1) As soon as may be, the Central Government shall formulate a national policy for providing compulsory sports education in all schools of the country.

(2) The national policy referred to in sub-section (1) shall include the following provisions:—

- (a) providing free and quality sports education in the schools to all school-going children;
- (b) appointing adequately trained sports teachers/coaches in all schools;
- (c) conducting special drive to create awareness among people about importance of sports education;
- (d) establishing a regulatory authority to monitor the implementation of compulsory sports education in schools across the country;
- (e) preparing syllabus for sports education in schools in consultation with various sports associations and ensuring its universal adoption;
- (f) reservation of seats for talented sportspersons for admission in institutions providing medical, engineering and management education;
- (g) providing sports scholarship/stipend to school children with a view to enable them to hone their talent in various sports; and
- (h) providing adequate financial assistance to schools for development of sports infrastructure.

4. (1) It shall be the duty of the appropriate Government to implement the national policy formulated under section 3.

(2) Every appropriate Government shall review the progress and quality of sports education being provided in schools from time to time in such manner as may be prescribed.

(3) Every appropriate Government shall establish model schools within their jurisdiction with a view to achieving excellence in various disciplines in the field of sports and sports education.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as National Sports Education Fund with a corpus of rupees ten thousand crore for carrying out the purpose of this Act.

(2) The Central Government and the State Governments shall contribute to the Fund in such a ratio as may be prescribed.

(3) Such other moneys as may be received from individuals, corporate bodies and financial institutions shall also be credited to the Fund.

6. The appropriate Government may take such action including withdrawal of recognition of schools violating the provisions of this Act in such manner as may be prescribed by rules made under this Act.

7. (1) The Central Government, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

National policy for compulsory sports education.

Implementation of policy by appropriate Government.

National Sports Education Fund.

Punishment for violation of provisions of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The performance of our athletes in various international sporting events is very poor. Our performance in Olympics, Commonwealth and other international sports competitions is a case in point. It is very unfortunate that a country with a population of over one billion cannot produce top sportspersons. To reverse this trend, we need to start training our athletes from young age. The state of sports infrastructure in our country is very unsatisfactory. Players do not receive adequate training and guidance. In several other countries of the world, talented persons in sports are given appropriate training and guidance. Therefore, their players consistently remain at the top in international competitions. We do have talented sports persons but recognizing genuine talent in such a vast country as ours is a very difficult job. In such a situation, if we make sports education compulsory at the school level by introducing it in the course from the primary level to the higher secondary level, we would also be able to get new talents in the field of sports. This would help us in providing appropriate training and guidance by recognizing sports talent. Also, we can build a healthy and organized society by including the sports curriculum in education. Sports help in building a sense of community living and today it is very essential. There is a need for a national policy for building new sports talents and disciplined society. Therefore, it is extremely necessary to provide compulsory sports education to the children.

Hence this Bill.

NEW DELHI;
November 8, 2011.

HANSRAJ GANGARAM AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation of a national policy to provide compulsory sports education to the school going children by the Central Government. Clause 4 provides for implementation of the national policy and setting up of model schools for imparting quality sports education. Clause 5 provides for setting up of a National Sports Education Fund for the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of the actual expenditure to be incurred on it. However, it is estimated that a recurring expenditure of rupees ten thousand crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill confers the power to make rules to carry out the purposes of this Bill to the Central Government. As the rules will relate to the matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 5 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2012.

Short title.

2. In the Seventh Schedule to the Constitution,—

Amendment
of the Seventh
Schedule.

(i) in List II—State List,—

(a) entry 14 shall be omitted; and

(b) in entry 17, the words “irrigation and canals,” shall be omitted;

(ii) in List III—Concurrent List, after entry 17B, the following entry shall be inserted, namely:—

“17C. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases; irrigation and canals including water for irrigation to farmers.”

STATEMENT OF OBJECTS AND REASONS

Even after more than six decades of independence, more than sixty per cent. population of the country is still dependent on agriculture. But the situation of the agricultural sector is far from satisfactory. On account of its bad state, farmers feel distressed enough to commit suicide. Non-availability of adequate water for irrigation is one of the major reasons for the bad condition of farmers. Even Dr. M.S. Swaminathan, the noted expert of agricultural sector, has strongly advocated provision of adequate irrigation facilities for farmers. To make agricultural operations profitable, the Government will have to strive to arrange means of irrigation for farmers such as dams, wells, borewells and tanks. The fact that the farmers living in areas which are well irrigated are relatively more prosperous than those living in other areas clearly demonstrates the urgency of providing adequate irrigation facilities to all such farmers.

At present, agriculture is included in List-II (State List) of the Seventh Schedule to the Constitution. Therefore, the Central Government has no legislative or executive jurisdiction in this area. To create better infrastructure in agriculture, combined efforts of the Central Government and the State Governments are required, more so for creation of irrigation potential. For this purpose, it is proposed in the Bill that the entry relating to agriculture be transferred from the State List to the Concurrent List and the subjects relating to irrigation and providing water for irrigation to farmers be specifically mentioned in the Concurrent List so that the Central Government plays a more active role resulting in increased agricultural productivity and food security for the nation.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 18, 2011.

HANSRAJ GANGARAM AHIR

BILL No. 8 OF 2012

A Bill to provide for certain measures to be undertaken by the Union and the State Governments for the welfare of mentally retarded children and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title
extent and
commencement.

1. (1) This Act may be called the Mentally Retarded Children (Welfare) Act, 2012.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "child" means a boy or girl who is below the age of eighteen years;

(iii) "Committee" means the Residential Schools Management Committee constituted by the appropriate Government under section 6;

(iv) "mentally retarded child" means a child with a condition of arrest or incomplete development of mind which is specially characterized by sub-normality of intelligence;

(v) "residential school" means an institution or home which is run by private or Government aid for the education and protection of mentally retarded children; and

(vi) "prescribed" means prescribed by rules made under this Act.

3. The appropriate Government shall from time to time hold, within its jurisdiction, a census for collecting all relevant data relating to mentally retarded children.

Census for mentally retarded children.

4. The appropriate Government shall,—

(i) establish residential school for mentally retarded children in every district;

(ii) provide food, adequate care, protection, lodging and boarding, books, stationery items and uniform free of cost;

(iii) provide job oriented professional education and training for self-employment to mentally retarded children after they complete their school education according to their capability; and

(iv) pay subsistence allowance or financial assistance to such mentally retarded children as are not able to earn livelihood.

Setting up of residential schools and providing education and employment to mentally retarded children.

5. The appropriate Government shall provide such monthly allowance to the guardian or caretaker of every mentally retarded child for his livelihood, health care and treatment, as may be prescribed.

Monthly allowance to the guardian or caretaker of the mentally retarded children.

6. (1) The appropriate Government shall set up a local Committee in every district to be known as the Residential Schools Management Committee to look into issues relating to admissions and management of residential schools.

Residential Schools Management Committee.

(2) The Committee shall consist of—

(a) the District Magistrate who shall be the Chairperson *ex-officio*; and

(b) not more than five members, of whom at least two members shall be women, from amongst the persons living in that district and have knowledge in the field of child welfare to be nominated by the Chairperson.

(3) The appropriate Government shall provide to the Committee such number of officers and staff as may be necessary for the efficient functioning of the Committee.

7. (1) The appropriate Government shall appoint—

(i) well trained teachers who have experience of teaching mentally retarded children and of addressing their special needs; and

Facilities to be provided in residential schools.

(ii) such administrative personnel for better management of residential schools as it may be deem necessary.

(2) The salaries and allowances payable to and other terms and conditions of service of the teachers and non-teaching staff of residential schools shall be such as may be prescribed.

Central
Government
to provide
funds.

8. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Overriding
effect of the
Act.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

10. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The number of mentally retarded children is continuously increasing in the country. They become mentally and physically dependent due to mental retardation. The families of mentally retarded children are forced to live in difficulty because of non-availability of scientific knowledge for the upbringing, care and livelihood of mentally retarded children in the country. The mentally retarded children and their families bear this torture without any fault of theirs. The families are forced to bear the unbearable cost of care and health services for mentally retarded children. Several guardians disown these children considered as burden on the family and leave them alone on bus stands, railway stations, temples and masjids for begging. Anti-social elements take advantage of this situation. Several welfare institutions for the mentally retarded children in the country are facing difficulty in keeping them under their protection after their having attained eighteen years of age. They need more protection and support at this point of their age. Therefore, the Governments should come forward for welfare of mentally retarded children and take care of their life and livelihood. The provisions of financial assistance to the guardians or caretakers will help them to bring these mentally retarded children in social mainstream and setting up of residential schools will help in addressing their special needs. The Government should take sole responsibility of mentally retarded children and provide protection to them in order to remove their dependence on social institutions in view of their plight. The provision for affording an opportunity to mentally retarded children to live with pride is expected to be made by the Government.

Therefore, it is extremely necessary to provide for the welfare measures of mentally retarded children in the country.

Hence this Bill.

New Delhi;
November 18, 2011.

HANSRAJ GANGARAM AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that a child census may be conducted to collect all relevant data of mentally retarded children. Clause 4 provides for setting up of residential schools to impart education and training to mentally retarded children. Clause 5 provides for monthly allowance to the guardian/caretaker of the mentally retarded children. Clause 6 provides for setting up of a Residential School Management Committee in every district. Clause 7 provides for appointment of teachers and non-teaching staff alongwith all basic facilities in residential schools. Clause 8 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees six hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 94 OF 2011

A Bill to provide for certain welfare measures for fishermen and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Fishermen (Welfare) Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires,—

(i) 'fishermen' means and includes persons who are engaged in fishing and fishing related works such as repairing, maintaining and manning boats, nets and other equipments used in fishing and peeling, drying and selling of fish;

(ii) 'Fund' means the Fishermen Welfare Fund constituted under section 3 of this Act; and

(iii) 'prescribed' means prescribed by rules framed under this Act.

3. (1) The Central Government shall set up a Fund to be known as Fishermen Welfare Fund for the welfare of fishermen in the country.

Constitution of Fishermen Welfare Fund.

(2) The Central Government and every littoral State Government/Union territory administration shall contribute to the Fund in such ratio as may be prescribed.

(3) The Fund shall be administered by a Committee consisting of:—

(i) a Chairman who shall be appointed by the Central Government;

(ii) not more than one representative each from the littoral States/Union territories to be nominated by the respective State Government/Union territory Administration;

(iii) not more than one representative from the littoral States/Union territories representing the fishermen who shall be nominated in such manner as may be prescribed.

(4) The terms and conditions of the appointment of Chairman and other members of the Committee shall be such as may be prescribed by the Central Government.

4. The Fund shall be used for the following purposes:—

Utilisation of the Fund.

(i) payment of unemployment/subsistence allowance to fishermen during off-season period;

(ii) providing free health facilities for the fishermen and their families;

(iii) providing free educational facilities to the children of fishermen;

(iv) payment of compensation to fishermen injured while fishing;

(v) payment of compensation to families of fishermen dying in harness;

(vi) payment of disability allowance to fishermen incapacitated due to accident while fishing;

(vii) payment of old age pension to fishermen who have attained the age of sixty years; and

(viii) payment of family pension to the next of kin including minor children of the deceased fishermen.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Millions of men and women throughout the length and breadth of the coastal areas are engaged in fishing and works related to it. Their living conditions are extremely poor, as they have to depend on the nature to venture into the sea leading to a situation where there is no work during the greater part of the year. Due to their extreme poverty, their children are not properly educated. No health care is available to them. By the time they reach the age of sixty they become physically unfit to work and are left on the mercy of others. Risk factor in their profession is also very high. It is the responsibility of the Government to provide minimum security and welfare for these people.

Hence this Bill.

NEW DELHI;
November 8, 2011.

ADHIR RANJAN CHOWDHURY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Fishermen Welfare Fund for the benefit of fishermen. It further provides that the Central Government shall also contribute to the Fund. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crore per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 105 OF 2011

A Bill to provide for the formulation and implementation of a comprehensive national policy for ensuring overall development of youth belonging to the Scheduled Castes, the Scheduled Tribes and those from Other Backward Classes and for other measures to be undertaken for their welfare by the State and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Dalit and Backward Youth Welfare Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

Definitions.

(b) "backward youth" means those youth who belong to those castes which are declared, by notification in the Official Gazette, as backward by the appropriate Government from time to time;

(c) "dalit youth" means the youth belonging to the Scheduled Castes and the Scheduled Tribes;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "youth" means any person who has attained the age of eighteen years but is not above the age of thirty-five years.

National Policy for the overall development and welfare of the dalit and backward youth.

3. (1) The Central Government shall, as soon as may be, formulate a comprehensive national policy for the overall development and welfare of the dalit and backward youth of the country.

(2) Without prejudice to the generality of the provisions of sub-section (1), the national policy referred to therein may provide for,—

(a) free higher education, including education in medical, technical and information technology fields;

(b) free coaching/training for admission to management courses and also for competitive examinations conducted by the Union Public Service Commission, Staff Selection Commission and such other agencies;

(c) free provision of books, stationery and educational gadgets;

(d) provision of scholarship;

(e) free hostel facilities;

(f) free public transport facilities;

(g) unrestricted access to all libraries maintained or under the control of appropriate Government;

(h) training in sports to every eligible youth covered under this Act and facilities and appropriate incentives to participate in sports activities, events and tournaments within and outside the country;

(i) provision for nutritious meals free of cost;

(j) free medical facilities and healthcare;

(k) provision of vocational training;

(l) provision of military training to physically fit youth covered under this Act and those successfully completing training to be given preference in recruitment in defence services; and

(m) such other facilities, incentives and welfare measures as the Government may deem necessary.

4. It shall be the duty of every appropriate Government to implement the provisions of national policy formulated under section 3.

Appropriate Government to implement national policy.

Employment and unemployment allowance.

5. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall provide gainful employment to the youth belonging to dalit and backward class as per their ability and qualification on completion of their education or training, as the case may be;

(2) In case the Central Government fails to provide gainful employment under sub-section (1), the youth shall be paid an unemployment allowance on monthly basis at such rate as may be prescribed till the time they are provided with gainful employment.

6. (1) The appropriate Government shall appoint such number of expert committees in the capital of every State and Union territories and in every district as it may deem necessary for carrying out the purposes of this Act.

Constitution of expert committees.

(2) The expert committees appointed under sub-section (1) shall consist of such members having knowledge in the field of education and psychology as may be prescribed.

(3) The expert committee shall advise the appropriate Government regarding welfare measures for the dalit and backward youth.

7. The appropriate Government shall,—

(i) establish such number of hostels for dalit and backward youth at conspicuous places in the country for the youth covered under this Act as it may deem necessary;

Measures for the welfare of Dalit and backward youth.

(ii) take such steps as may be required for promoting youth cooperatives at villages and district levels and provide requisite financial assistance and guidance to such cooperatives for procuring raw materials and marketing of their produce; and

(iii) ensure the availability of requisite credit at concessional rate of interest from the nationalized Banks and other Financial Institutions to the youth covered under this Act for setting up of self employment projects.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide requisite funds.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Youth are the backbone of a strong nation and are capable of substantially influencing polity. In the recent times, youth have transformed some monarchies into republics by overthrowing rulers in different parts of the world. As such, youth are always at the centre stage of socio-political activities of every country. Similar is the position in our nation. The youth are facing a lot of problems relating to education, poverty, nutrition, employment opportunities, self employment, health, sports, etc. There is no institutional mechanism to harness the potential of our youth and channelise their energy for the betterment of the country. The plight of the youth belonging to dalit communities such as the Scheduled Castes, the Scheduled Tribes and other Backward Classes (OBCs) who have been oppressed for centuries is even worse. Even today dalit youth have to face social ostracisation though there is the reservation policy in place which was propounded by the messiah of the dalits, Babasaheb Dr. B.R. Ambedkar. However, the reservation system has only minimally benefited the dalits. The dalit youth still require special attention because there is a need to instill a sense of belonging among the dalit, backward and oppressed youth of the nation by providing them opportunities for their overall development. The facilities of education and opportunities for job should be provided to the youth belonging to the dalit and backward class so that they can contribute to the progress of the country to their full potential. If employment opportunity is not provided to dalit and backward youth they should be given unemployment allowance. They have to be linked directly with the production processes by eliminating the disparities between the rural and urban dalit youth. For this a comprehensive national policy for the dalit, backward and oppressed youth should be in place to ensure their all round development which is the need of the hour. The State has to take measures for their welfare and enable them to fight against the forces of fanaticism, fundamentalism and separatism.

The Bill seeks to achieve above objectives.

Hence this Bill.

NEW DELHI;
November 9, 2011.

P. L. PUNIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a national policy for overall welfare and development of the dalit and backward youth. It also provides for certain facilities to be provided to such youth belonging to dalit and backward communities. Clause 5 provides for employment opportunities and payment of unemployment allowance by the Central Government. Clause 6 provides for constitution of expert committees for the welfare of dalit and backward youth. Clause 7 provides for various activities to be undertaken by the appropriate Government for the welfare of dalit and backward youth. Clause 8 provides for supply of requisite funds by the Central Government to carry out the provisions of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible, at present, to quantify the funds that may be involved but it is estimated that a sum of rupees thirty thousand crore will be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees twenty thousand crore will be involved for creating assets and infrastructure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 116 OF 2011

A Bill further to amend the Central Universities Act, 2009.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Universities (Amendment) Act, 2011. Short title and commencement.

(2) It shall come into force with immediate effect.

2. After section 3A of the Central Universities Act, 2009 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:— Insertion of new section 3B.

“3B. (1) The Central University of Punjab established under sub-section (4) of section 3 shall be known as the Central University of Punjab (Bhatinda) and its territorial jurisdiction shall be limited to the Malwa region of Punjab comprising of the districts of Rupnagar, SAS Nagar-Mohali, Ludhiana, Sangrur, Patiala, Fatehgarh Sahib, Moga, Faridkot, Bhatinda, Mansa, Ferozepur, Fazilka, Barnala and Muktsar of the State of Punjab. Special provision with respect to the State of Punjab.

(2) There shall be established a university, which shall be a body corporate, to be known as the Central University of Punjab (Gurdaspur) having its territorial jurisdiction extending to the Majha and Doaba region of Punjab comprising of the districts of Amritsar, Taran Taran, Pathankot, Gurdaspur, Hoshiarpur, Jalandhar, Kapurthala and Nawan Shahar of the State of Punjab.

(3) All assets and liabilities of the existing Central University of Punjab in respect of the territory of the districts of Amritsar, Taran Taran, Pathankot, Gurdaspur, Hoshiarpur, Jalandhar, Kapurthala and Nawan Shahar of the State of Punjab shall stand transferred to be the assets and liabilities of the Central University of Punjab (Gurdaspur).

(4) Anything done or any action taken by the University of Punjab in respect of the territory of the districts of Amritsar, Taran Taran, Pathankot, Gurdaspur, Hoshiarpur, Jalandhar, Kapurthala and Nawan Shahar of the State of Punjab shall be deemed to have been done or taken by the Central University of Punjab (Gurdaspur).

(5) Any suit or legal proceedings instituted or continued by or against the Central University of Punjab in respect of the territory of the districts of Amritsar, Taran Taran, Pathankot, Gurdaspur, Hoshiarpur, Jalandhar, Kapurthala and Nawan Shahar of the State of Punjab shall be deemed to have been instituted or continued by or against the Central University of Punjab (Gurdaspur).".

Amendment of
the First
Schedule.

3. In the First Schedule to the principal Act, for serial number 10 and the corresponding entries against it, the following serial numbers and entries shall be substituted, namely:—

“10 Punjab	Central University of Punjab (Bhatinda)	The Malwa region of Punjab comprising of the districts of Rupnagar, SAS Nagar-Mohali, Ludhiana, Sangrur, Patiala, Fatehgarh Sahib, Moga, Faridkot, Bhatinda, Mansa, Ferozepur, Fazilka, Barnala and Muktsar of the State of Punjab.
10A Punjab	Central University of Punjab (Gurdaspur)	The Majha and Doaba region of Punjab comprising of the districts of Amritsar, Taran Taran, Pathankot, Gurdaspur, Hoshiarpur, Jalandhar, Kapurthala and Nawan Shahar of the State of Punjab."

STATEMENT OF OBJECTS AND REASONS

The Central Universities Act, 2009 was enacted by Parliament to establish and incorporate universities for teaching and research in various States and to provide for matters connected therewith or incidental thereto. The Act provides, *inter alia*, for the establishment of a Central University in the State of Punjab by the name of Central University of Punjab.

The Central University of Punjab was established as the Central University of Punjab, Bhatinda (Punjab) and began operations in November, 2009. As per the Act, its territorial jurisdiction extends to the whole of the State of Punjab. The current campus is located within the City Centre of Bhatinda, a city in the southern part of Punjab and is expected to shift to a much larger campus to the south of the city.

The Central University of Punjab is focusing all its efforts on improving its foot print in the Malwa Region of Punjab which is the only region benefitting from this project. The rest of Punjab, the Majha and Doaba regions are not being focussed on. The Majha region is a particularly neglected area in Punjab and having to bear the brunt of an uneducated and unemployed youth. There is great potential for the youth to benefit from quality higher education.

Gurdaspur is a large district in the Northern part of Punjab having excellent rail and road connectivity. It has links to areas within the State as well as with the States of Himachal Pradesh and Jammu and Kashmir. It is, however, one of the most backward areas in Punjab and has been neglected time and again due to it being a border district. There are not enough centres for higher learning. Most such institutions are in private sector. The youth of the entire region can be benefited from the establishment of a Central University at Gurdaspur. There is an upsurge of sentiments for location of a Central University in the region.

The Bill, therefore, seeks to establish one more Central University in the State to cater the needs of this region on the same lines as has been done in the case of the State of Jammu and Kashmir.

Hence this Bill.

NEW DELHI;
November 9, 2011

PARTAP SINGH BAJWA

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new section 3B in the Central Universities Act, 2009 so as to establish a new Central University in the State of Punjab (Gurdaspur), having its territorial jurisdiction extending to the Majha and Doaba region of Punjab and to limit the territorial jurisdiction of the then existing Central University of Punjab, to the territory of the Malwa region of Punjab, to be known as the Central University of Punjab (Bhatinda). The Bill, if enacted, would involve expenditure out of Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees three hundred fifty crore will be involved.

A non-recurring expenditure to the tune of rupees three hundred crore will also be involved.

BILL NO. 102 OF 2011

A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2011.

(2) It extends to the whole of India.

Amendment of section 6.

2. In section 6 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter to be referred to as the principal Act), after sub-section (2), the following sub-section shall be added, namely:—

"(3) Notwithstanding anything contained in this Act, wages in respect of work as specified in clause (vi-a) of paragraph 1 of Schedule I, shall be as follows:—

42 of 2005.

(i) in case of land owned by small farmers, the ratio of wages shall be 50:50, to be borne by the Government and farmers, respectively;

(ii) in cases of land held by farmers other than small farmers, the ratio of wages shall be 25:75, to be borne by the Government and farmers, respectively.

Explanation.—In this sub-section, small farmer means, those who own a maximum of five acres of non-irrigated land or two acres of irrigated land."

3. In Schedule I to the principal Act, in paragraph 1, after clause (vi), the following clause shall be inserted, namely:—

Amendment of Schedule I.

"(vi-a) agricultural operations in public-private partnership."

STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 has been a resounding success. Millions of our brothers and sisters in rural areas are not only gainfully employed but also developmental works are taking place. Certain items of work are given priority under the Act. Though there is no second opinion about the importance of those items of work, one important item of work is missing from the purview of the Act. Today, lakhs of farmers are not able to employ labour due to their non-availability or high rates of wages demanded by them. One reason for non-availability of labour is that those labourers prefer to be engaged under the MGNREGS. Due to this, agricultural operations are affected. Lakhs of acres of land remain unutilised. Therefore foodgrain production is affected. Already we are reeling under increasing price rise of essential commodities and shortage of foodgrains and other crops and non-utilisation of fertile agricultural lands is making the situation worse. We will not be able to meet the demand with limited supply.

If agricultural operations are also brought under the purview of the Act, many workers will be available. As such, workers will also continue to be engaged but also the unutilized lands will be put to use thereby increasing production of foodgrains. Since this item of work will be taken up in public-private partnership mode, it would be appropriate if wages are also shared by farmers. A marginal relief for small farmers is sought to be made in order to assist them.

The Bill accordingly seeks to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

Hence this Bill.

NEW DELHI;
November 9, 2011.

S. SEMMALAI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides agricultural work on lands owned by farmers shall be permissible under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 and wages to be paid to the labourers shall be shared between the land owners and the Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees five hundred crore.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

BILL NO. 96 OF 2011

A Bill to provide for certain welfare measures and other facilities for coconut growers and for matters connected therewith.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Coconut Growers (Welfare) Act, 2011.

Short title and
commencement.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means a State Government or the Central Government, as the case may be;

(b) “coconut” means coconut and its products including by-products and its extracts;

Coconut
Growers
Welfare
Scheme.

(c) "Committee" means Coconut Development Committee set up under section 3;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "scheme" means Coconut Growers Welfare Scheme formulated under section 3.

3. (1) As soon as may be, the Central Government shall formulate a scheme for the welfare of coconut growers to be known as the Coconut Growers Welfare Scheme.

(2) The scheme shall be administered by a Committee to be known as the Coconut Development Committee.

(3) The Committee shall consist of—

(i) a Chairperson, who shall be nominated by the Central Government;

(ii) two members, representing the Governments of coconut growing States, to be nominated by the Central Government;

(iii) two members representing coconut agriculturists who are growing coconut on large scale; and

(iv) two members representing small coconut growers.

(4) The Chairperson and members of the Committee shall be nominated by the Central Government in such manner as may be prescribed.

(5) The salary and allowances payable to, and other conditions of service of the Chairperson and members of the Committee, shall be such as may be prescribed.

4. Without prejudice to the powers of the Central Government, the scheme shall include:—

(i) framing of a comprehensive insurance scheme for loss or destruction of coconuts;

(ii) providing technical and other kinds of specialized assistance to coconut growers;

(iii) fixing minimum support price for coconuts; and

(iv) creation of adequate procurement and storage facility for coconuts;

(v) providing assistance for export of coconuts and its products;

(vi) encouraging research in coconut related fields with a view to promote it as a healthy edible item;

(vii) provision of adequate marketing facilities for coconut growers; and

(viii) provision of electricity and water to coconut growers at subsidized rate.

Central
Government
to provide
funds.

5. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds for the purposes of this Act.

Power to
make rules.

6. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Coconut is an important item in our daily life. It is not only used as an important food item but also used in temples. It is regarded as a religious symbol also. Coconut and its by-products like coconut oil, coconut water are used in large quantities. But unfortunately, there are no adequate facilities for coconut growers. Coconut is grown only in few States in our country and also in only few other countries of the world.

As such, there is adequate export potential for coconut which would earn us considerable foreign exchange. Coconut oil has a number of uses including preparation of certain medicines. The coconut based industries are suffering from numerous problems including problems relating to its storage, marketing, procurement and export.

The Bill seeks to overcome the problems mentioned above.

Hence this Bill.

NEW DELHI;
November 9, 2011.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation of a welfare scheme for coconut growers. It also provides for the formation of a Committee to administer the scheme. Clause 4 provides for the activities to be undertaken under the scheme. Clause 5 provides that the Central Government shall provide adequate funds for the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of about rupees eighty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL No. 115 OF 2011

A Bill to provide for payment of compensation by airlines to passengers in case of delay or cancellation of scheduled flights or in case of accidents during the carriage by air resulting in death or bodily injuries to the passengers.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Airlines (Payment of Compensation) Act, 2011.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "airlines" means any airline company registered with the Directorate General of Civil Aviation (D.G.C.A.) in India and includes its Chairman and other members of the Board of Directors of the company and Chief Operating Officer;

(b) "compensation" means and includes payment of money by airline companies to the passengers in case of delay or cancellation of scheduled flights or accidents occurring during the course of journey resulting in bodily injury or death of passengers; and

(c) "prescribed" means prescribed by rules made under this Act.

3. No airline shall cancel any of its scheduled flights except on such grounds as mentioned in section 8.

Airline companies not to cancel their flights.

4. Notwithstanding anything contained in any other law for the time being in force, every airline company,—

Penalty in case of cancellation of flights.

(i) in case of cancellation of flight or delay of more than five hours shall,—

(a) pay adequate compensation to the passengers at such rate as may be prescribed;

(b) provide free lodging and boarding arrangements to all passengers till alternate arrangements are made for the transportation of passengers to their destination; and

(c) make alternate arrangements for transportation of passengers to their destination.

(ii) in case of delay of more than thirty minutes and upto five hours, shall pay compensation at such rate as may be prescribed.

5. The airline shall, in the event of an accident during the course of a journey or during embarking or disembarking from the plane resulting in death or bodily injuries to the passengers, be liable to pay compensation to such passengers or next of their kin in case of death, such amount and in such manner as may be prescribed:

Compensation in case of death or bodily injuries.

Provided that the amount of compensation shall not vary in accordance with age or economic status of the passenger but shall be the same:

Provided further that if any passenger opts to pay more premium as under section 6, he shall be entitled to enhanced compensation.

6. Nothing in this Act shall prevent any airline company from,—

Provision of payment of premium for insurance coverage.

(a) charging of premium amount as part of airfare from any passenger for insurance coverage; and

(b) entering into an agreement with an insurance company for providing insurance coverage to the passengers.

7. The amount of compensation payable under the provisions of this Act shall be payable within one month from the date of accident resulting in death or injury to the passenger.

Compensation to be paid within one month from the date of accident.

8. The airlines shall not be held responsible for payment of penalties to the passenger in case of cancellation or delay of more than thirty minutes of a scheduled flight on account of bad weather as certified by Airports Authority of India, and/or genuine technical problems.

Airlines not to be held responsible in certain cases.

Explanation.— For the purpose for this section, a certificate by the Authority of the airport concerned that the weather was bad and not conducive to flying or there are genuine technical problems in the aircraft which made the aircraft unfit for flying shall be required.

Power to
make rules.

9. (1) The Central Government may, by notification, in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Airline industry has increased manifold in size and operations in the recent years, as a result of reforms in the economy. Now, it has become possible for a common man to travel by air. Several private and foreign companies have joined as new players in civil aviation sector which once was the monopoly of our national carrier.

But, of late, there have been instances of unannounced delays, cancellations of scheduled flights at the last moment by the airlines for extraneous reasons. Such delay or cancellation results in loss of not only money and time of passengers but also causes mental agony to the passengers particularly to aged passengers and children.

In such cases, the airlines should be made responsible for making alternate arrangements for stay, transportation and for compensation in case there is no valid reason for such delay or cancellation of the scheduled flight.

Another important aspect is compensation. While booking the ticket every passenger is asked to pay premium for insurance coverage which airlines enter into an agreement with insurance companies. But in the event of accidents resulting in injury or death of passengers, the compensation is paid according to the income and status of the passengers. There is no logic in paying different compensation when premium charged is the same. Moreover, accidents, resulting in deaths or permanent disability, create havoc in the lives of families, especially, if the passenger is the sole bread winner of the family and belongs to lower or middle income group. However, if any passenger desires for wider risk coverage or higher amount coverage he may opt for payment of higher premium of insurance policy.

The Bill seeks to achieve the above objectives.

NEW DELHI;

M.K. RAGHAVAN

November 9, 2011.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for adequate compensation to the passengers in case of cancellation or delay of flights. Clause 5 provides for compensation in case of death or bodily injuries during the course of a journey. Clause 6 provides for entering into an agreement with insurance company for providing insurance coverage to the passengers. The Bill, therefore, if enacted will be applicable to national carrier also and as such will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees three hundred crore is likely to be involved.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 109 OF 2011

A Bill to provide for a comprehensive health insurance scheme for all citizens of the country and for matters connected therewith.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Health Insurance Scheme Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) “beneficiary” means every citizen who has been issued health insurance card under section 4;

(c) "person living below poverty line" includes a person whose income from all sources does not exceed rupees ten thousands per month;

(d) "prescribed" means prescribed by rules made under the Act; and

(e) "scheme" means Health Insurance Scheme framed under this Act.

3. The Central Government shall formulate and implement a Comprehensive Health Insurance Scheme for all citizens.

Formulation and implementation of comprehensive Health Insurance Scheme.

4. (1) The Central Government shall designate an Agency for issuing Health Insurance Cards to all the citizens.

Health Insurance Card to be issued to all the citizens.

(2) Every citizen shall be issued a Health Insurance Card by the designated Agency.

(3) The card issued under sub-section (1) shall contain such particulars of the beneficiary as may be prescribed.

5. Every beneficiary, other than persons living below poverty line, shall be required to pay such amount of premium towards Health Insurance as may be determined by the Central Government from time to time.

Premium for Health Insurance.

6. (1) Every beneficiary shall be entitled to health facilities free of cost from all hospitals, including privately owned hospitals as may be specified by the appropriate Government from time to time.

Provision of free health facilities.

(2) The free health facilities shall include:—

- (i) consultation;
- (ii) outpatient treatment;
- (iii) diagnostic and laboratory services;
- (iv) indoor treatment; and
- (v) medicines.

(3) No beneficiary shall be charged any amount for any health facility mentioned in sub-section (2) availed of by him in any hospital including privately owned hospitals specified under sub-section (1) by the appropriate Government.

(4) If any beneficiary intends to avail extra facilities at hospital which are not covered under sub-section (2), he shall be required to pay for availing of such facilities.

7. (1) The Central Government shall enter into agreement with all nationalized Insurance Companies for implementation of the provisions of this Act.

Agreement with Nationalized Insurance Companies and private hospitals.

(2) The nationalized Insurance Companies shall enter into agreement with privately owned hospitals to provide health services to the beneficiaries covered under the Health Insurance Scheme.

(3) The nationalized Insurance Companies shall make payment to privately owned hospitals for providing health services to the beneficiaries covered under Health Insurance Scheme at such rates as may be agreed upon by both the parties.

8. The Central Government shall, by due appropriation by Parliament by law in this behalf, make in each financial year such payment to the State Governments and nationalized Insurance Companies as it may think necessary for implementation of the provisions of this Act.

Release of funds.

9. If any beneficiary intends to surrender his Health Insurance Card issued under section 4, he shall inform in writing to such Authority as may be designated for the purpose by the appropriate Government.

Surrender of Health Card.

Inspection of hospitals.

10. (1) Any nationalized Insurance Company which has entered into agreement with private hospital under section 7, may either itself or through an agency designated in that behalf inspect privately owned hospitals from time to time to ensure that provisions of this Act are complied with.

(2) If any private hospital does not comply with the provisions of this Act, the hospital shall be liable to pay such compensation as may be prescribed in the agreement under section 7.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Proper healthcare facilities at reasonable cost is not available to the majority of citizens in our country. Poor people are not in a position to afford hefty cost of treatment particularly at private hospitals. With scarce resources, the State Governments are also not able to provide health care facilities free of cost or at reasonable cost to all the citizens. The cost of medical treatment including medicines is not within the reach of common man. For treatment of critical illness, a lot of money is required. Poor people are left to die for want of money to meet their medical expenditure every year. Therefore, it is proposed to provide free healthcare facilities for all diseases to all citizens. Since Government hospitals are not adequately equipped to provide healthcare facilities to all the citizens, private hospitals are also proposed to be roped in to provide healthcare facilities to them.

Citizens who opt to meet the expenditure of medical treatment from their own resources may be excluded from the purview of the Act, if they make such a request to the designated Agency of appropriate Government under this Act.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 9, 2011.

M. K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 provides for formulation and implementation of a comprehensive Health Insurance Scheme by the Central Government. Clause 4 provides for Health Insurance Card to be issued to all the citizens. Clause 6 provides for certain health facilities free of cost. Clause 8 provides for supply of funds to the State Governments and nationalised Insurance Companies by the Central Government. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees fifty thousand crore is likely to be involved.

A non-recurring expenditure of about rupees fifty thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 98 OF 2011

A Bill to prohibit extravagant and wasteful expenditure on marriages and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Prohibition of Extravagant Expenditure on Marriages Act, 2011.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "expenditure on marriage" includes expenditure incurred during marriage celebrations on invitation cards, decoration, tented pandals, illumination, fireworks, luncheon, dinner, clothes, ornaments, gifts, hiring of a baraat ghar, banquet hall or hotel or such other places for celebrating marriages; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) Notwithstanding anything in any community, tribe or religion, all the marriages, shall be solemnized in a simple ceremony without any extravagant expenditure on such marriages.

(2) The appropriate Government shall fix the limit of guests and relatives who may be invited to attend the solemnization of a marriage or reception held thereafter.

(3) The appropriate Government shall fix the limit of expenditure which can be incurred on a marriage.

4. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall prescribe necessary guidelines for carrying out the purposes of this Act.

5. Any person who contravenes the provisions of section 3 shall be liable for imprisonment for a term which may extend to five years and with fine which may extend to one lakh rupees.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty, and any such order or direction shall be final.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Definitions.

Prohibition of extravagant expenditure on marriage.

Guidelines to be framed by the appropriate Government.

Punishment.

Removal of difficulties.

Act not to be in derogation of any law.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Nowadays marriages are celebrated with pomp and show, people spend lavishly on such celebrations. Lakhs of rupees are spent on shamianas and decorations followed by sumptuous feasts. In addition to all these things, substantial cash and costly gifts are exchanged. People use these occasions to spend their black money. It is unfortunate that poor people are also affected by this pomp and show, this situation is creating unrest among those who have no money to spend lavishly.

Since extravaganza during marriages has become the order of the day, those who are poor become heavily indebted or are being forced to adopt corrupt practices to earn money. As such corruption in all walks of life has acquired alarming proportions. It is very harmful for the progress of the nation.

It is a fact that even after spending lakhs of rupees on marriages people are not happy. This leads to bride burning and marital discords. Parents sometimes try to extract as much money as possible through the marriage of their sons.

This ugly tendency has to be checked and deterrent punishment has to be provided so that wasteful expenditure is curtailed on auspicious occasions like marriages. This will certainly go a long way in cleansing our society from corruption.

NEW DELHI;
November 9, 2011.

MAHENDRASINH P. CHAUHAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 97 OF 2011

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 2011.
2. Section 124A of the Indian Penal Code, 1860 shall be omitted.

Short title.

Omission of
section 124A.

STATEMENT OF OBJECTS AND REASONS

Section 124A of the Indian Penal Code, 1860 provides that whoever by words, either spoken or written or by signs or by visible representation or otherwise attempts to bring hatred or contempt or excites or attempts to excite disaffection towards Government establishment shall be punished for the offence of sedition. Section 124A was not a part of the original Indian Penal Code, 1860. It was introduced ten years later and then amended in 1898 to include seditious libel. It is distressing that we are slapping sedition cases on our people when the offence has been rendered obsolete in several countries. That this provision is an archaic colonial-era law and has no place in any democracy that values freedom of expression which was recognized by no less a person than the Prime Minister Jawaharlal Nehru who told Parliament in 1951 that he found section 124A 'highly objectionable and obnoxious'. He said, "The sooner we get rid of it the better".

There is no place in a democracy for a law that conflates disaffection with disloyalty and regards trenchant criticism as a form of treason. What was once an instrument by British colonialism to suppress the freedom struggle cannot be retained by the State to silence the voices of its people. It is high time that section 124A is omitted from the Code.

Hence this Bill.

NEW DELHI;
November 9, 2011.

ARJUN MEGHWAL

BILL NO. 104 OF 2011

A Bill to provide for protection and welfare measures for handloom weavers and workers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Handloom Weavers (Protection and Welfare) Act, 2011.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Authority" means the National Handloom Weavers Welfare Authority set up under section 3;

(c) "Fund" means the Handloom Weavers Welfare Fund established under section 5;

(d) "handloom" means any loom used for production of cloth other than the powerloom as defined in clause (g) of section 2 of the Factories Act, 1948;

63 of 1948.

(e) "prescribed" means prescribed by rules made under this Act;

(f) "weaver" means a person engaged in the production of cloth on a handloom and includes a person who owns, works or operates on a handloom for the production of cloth; and

(g) "worker" means a handloom worker engaged by a weaver and who earns wages on daily or any other basis by working on handloom.

Central
Government to
set up National
Handloom
Weavers
Welfare
Authority.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, set up an Authority to be known as the National Handloom Weavers Welfare Authority for the purposes of this Act.

(2) The Authority shall consist of the following members who shall be appointed by the Central Government, namely:—

(a) a Chairperson having adequate knowledge and professional experience in handloom sector;

(b) a Deputy Chairperson with such qualification, as may be prescribed;

(c) five members of Parliament, of whom three shall be from Lok Sabha and two shall be from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses;

(d) three members to represent handloom cooperatives;

(e) three members to represent the handloom weavers;

(f) four members to represent the Union Ministries of Finance, Planning, Labour and Employment and Textiles; and

(g) four members to be nominated by the Government of the States to be rotated amongst them in alphabetical order.

(3) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property both movable and immovable and to contract and shall, by the said name, sue or be sued.

(4) The term of Office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such as may be prescribed.

(5) The salary and allowances payable to, and other terms and conditions of the service of the Chairman and members of the Authority shall be such as may be prescribed.

(6) The Headquarter of the Authority shall be at New Delhi.

(7) The Authority may establish its offices at such other places, as it may deem necessary for carrying out the purposes of this Act.

(8) The Authority shall have a secretariat with such Officers and members of staff and with such terms and conditions of services as may be prescribed.

Functions of
the Authority.

4. (1) The Authority shall take steps in coordination with the State Governments for the overall welfare of weavers including, removal of poverty and indebtedness, raising the

standard of living, modernizing the looms and making easy availability of raw materials at affordable prices and marketing of handloom cloth.

(2) Without prejudice to the generality of the foregoing provision, the Authority shall,—

- (a) formulate and implement welfare policy for the handloom weavers and workers;
- (b) maintain a District-wise register of handlooms, handloom weavers and workers with such particulars and in such manner as may be prescribed;
- (c) regulate the service conditions of workers in such manner as may be prescribed;
- (d) fix minimum wages for handloom workers from time to time;
- (e) ensure modernization of old handlooms;
- (f) encourage and provide all necessary assistance to handloom weavers cooperatives;
- (g) organise exhibitions, melas and such other activities to promote handloom sector in different parts of the country;
- (h) make suitable arrangements for purchase of handloom cloth by Government agencies on cash and carry basis;
- (i) encourage export of handloom cloth and handloom garments; and
- (j) perform such other functions as may be assigned to it by the Central Government from time to time.

5. (1) The Central Government shall, by notification in the Official Gazette, establish a Fund to be called the Handloom Weavers Welfare Fund.

Establishment
of Handloom
Weavers
Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donations, contributions, assistance or otherwise from individuals, weavers and workers or body corporate, financial institutions, firms or partnership.

(4) The Fund shall be utilized for the following purposes:—

- (a) providing interest free consumption loans to handloom weavers and workers;
- (b) making *ex-gratia* payments at prescribed rates to each of the bereaved families of handloom weavers who die in harness;
- (c) providing loans at nominal rate of interest for purchasing cotton yarn and other necessary raw materials to the handloom weavers;
- (d) providing insurance cover to all handlooms, handloom weavers and workers;
- (e) providing healthcare facilities to the handloom weavers and workers and their dependent family members;
- (f) providing educational facilities and vocational training to the wards of weavers and workers; and
- (g) such other welfare measures as may be prescribed by the Central Government from time to time.

6. (1) It shall be the duty of the Central Government to ensure regular supply of yarn to the handloom weavers at affordable and subsidized rates.

Central
Government
to ensure
regular supply
of yarn.

(2) It shall be compulsory for all Ministries, Departments, subordinate Offices under the appropriate Government and Public Sector Enterprises to purchase their entire cloth requirements exclusively from the primary handloom weavers.

(3) The appropriate Government shall take steps to minimize the export of cotton and cotton yarn.

Central
Government
to provide
Funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Authority such sums as it may consider necessary for the efficient functioning of the Authority.

Annual
Report.

8. (1) The Authority shall prepare, in such form and manner, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and submit it to the Central Government.

(2) The Central Government shall cause to be laid before each House of the Parliament the report submitted to it under sub-section (1).

Power to
remove
difficulties.

9. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement to this Act.

Act not in
derogation of
any other law
for time being
in force.
Power to
make rules..

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before each House of the Parliament.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are lakhs of handloom units in which millions of weavers and workers weave cloth to earn their livelihood across the country. These handlooms units are mainly located in the States of Andhra Pradesh, Tamil Nadu, Uttar Pradesh, Bihar, Madhya Pradesh and Maharashtra. In fact, handloom units are located in every part of our country. For most of the weavers, it is their family profession which passes on from one generation to the next generation. For these weavers and workers, handloom is the only source of their livelihood. Handloom cloth is very popular not only in the country but also abroad.

But unfortunately, handloom sector is not doing very well and it is on the verge of collapse and extinction. The foremost reason for this is non-availability of cotton yarn at affordable prices. This situation is leading to closure of the handloom units. One of the primary reasons of costly cotton yarn is the export of cotton and cotton yarn which is resulting in scarcity of yarn in the country. Other reasons are high cost of handloom cloth compared to synthetic and other cloth, non-purchase of handloom products by the Government and its organizations, and non-availability of loans at low interest rate from banks and other financial institutions to handloom weavers for purchasing of raw material and other necessary items. Handloom sector has been consistently ignored by the successive Governments at the Centre as well as in the States. As a result, the powerloom sector and cloth mills have overpowered and eclipsed the interests of handloom sector. In a way, it is likely that the handloom sector may vanish in near future, if no concrete or remedial measures is taken to save this sector.

The most disturbing and sad part is that most of the handloom weavers are in debt. They are committing suicides because of their indebtedness and poverty. Thousands of debt trapped and helpless weavers have already committed suicide in different parts of the country. Reports of starvation deaths of handloom weavers have also come to light, which is a blot on our society. As such remedial measures have to be taken urgently so that handloom weavers and handloom sector could be saved from extinction. It has, therefore, been proposed to set up of a National Handloom Weavers Authority to take steps for welfare and overall development of weavers and workers engaged in handloom sector and for promotion of handloom sector in the country.

Hence this Bill.

NEW DELHI;
November 9, 2011.

P.L. PUNIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute the National Handloom Weavers Welfare Authority. Clause 4 provides for certain steps to be taken by the Authority for welfare of handloom weavers and workers. Clause 5 provides for the establishment of Handloom Weavers Welfare Fund. Clause 6 provides that the Central Government shall ensure supply of yarn to handloom weavers at subsidized rates. Clause 7 provides that the Central Government shall provide funds to the Authority.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees six thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees four hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 19 OF 2012

A Bill further to amend the Right to Information Act, 2005.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Right to Information (Amendment) Act, 2012.

Amendment
of section 2.

2. In section 2 of the Right to Information Act, 2005 (hereinafter referred to as the principal Act),—

22 of 2005.

(i) after clause (a), the following clause shall be inserted, namely:—

(aa) "appropriate Government" in relation to a public authority entering into partnership with a private entity means—

(i) the Central Government, if the private entity enters into public private partnership by an arrangement with the Central Government or a statutory entity established by law by Parliament or a Central Government-owned entity or a Central Public Sector Undertaking;

(ii) the State Government, if the private entity enters into public private partnership by an arrangement with the State Government or a statutory entity established by law by State legislature or State Government-owned entity or a State Public Sector Undertaking;';

(ii) after clause (g), the following clause shall be inserted, namely:—

'(ga) "private entity" means—

(i) in case of a company, a company that is outside the purview of sections 617 and 619B of the Companies Act, 1956;

(ii) in case of other entities, those which are not under the control of the Government;

Explanation.—For the purpose of this clause, 'control' means ownership, directly or indirectly, of more than one half of the voting power of the entity;'

(iii) after clause (h), the following clause shall be inserted, namely:—

'(ha) "Public Private Partnership (PPP) Entity" means any part of a Private Entity, which has entered into a Public Private Partnership with the appropriate Government. PPP Entity comprises of all resources used by the Private Entity as a part of the PPP agreement.;

Explanation.—The provision of this Act shall apply to a private entity for the purpose of obtaining only such information as is related to or relevant to the provisions of public assets and/or public services undertaken or being undertaken by it under public private partnership.'

(iv) In clause (a), for the words "public authority", the words "public authority or a PPP Entity" shall be substituted;

(v) In clause (f), for the words "public authority", the words "public authority or a PPP Entity" shall be substituted;

(vi) In clause (j), for the words "public authority", the words "public authority or any PPP Entity" shall be substituted;

(vii) In clause (n), for the words "public authority", the words "public authority or a PPP Entity" shall be substituted;

3. In section 4 of the principal Act,—

(i) In sub-section (1), for the words "public authority", the words "public authority and PPP Entity" shall be substituted;

(ii) In sub-section (2), for the words "public authority", the words "public authority and PPP Entity" shall be substituted;

(iii) In sub-section (4), for the words "public authority", the words "public authority and PPP Entity" shall be substituted;

4. In section 5 of the principal Act,—

(i) In sub-section (1), for the words "public authority", the words "public authority and PPP Entity" shall be substituted;

Amendment
of section 4.

Amendment
of section 5.

1 of 1956.

Amendment of section 6.

(ii) In sub-section (2), for the words "public authority", the words "public authority and PPP Entity" shall be substituted;

5. In section 6 of the principal Act,—

(i) In sub-section (1), in clause (a), for the words "public authority", the words "public authority or PPP Entity" shall be substituted;

(ii) In sub-section (3), for the words "public authority", the words "public authority or PPP Entity" shall be substituted;

Amendment of section 7.

6. In section 7 of the principal Act,—

(i) In sub-section (6), for the words "public authority", the words "public authority or PPP Entity" shall be substituted;

(ii) In sub-section (9), for the words "public authority", the words "public authority or PPP Entity" shall be substituted;

Amendment of section 8.

7. In section 8 sub-section (2), of the principal Act, for the words "public authority", the words "public authority or PPP Entity" shall be substituted.

Amendment of section 18.

8. In section 18 sub-section (4), of the principal Act, for the words "public authority", the words "public authority or PPP Entity" shall be substituted.

Amendment of section 19.

9. In section 19 of the principal Act,—

(i) In sub-section (1), for the words "public authority", the words "public authority or PPP Entity" shall be substituted;

(ii) In sub-section (8), in clause (a), for the words "public authority", the words "public authority or PPP Entity" shall be substituted;

(iii) In sub-section (8), in clause (b), for the words "public authority", the words "public authority or PPP Entity" shall be substituted;

(iv) In sub-section (9), for the words "public authority", the words "public authority or PPP Entity" shall be substituted;

Amendment of section 25.

10. In section 25 of the principal Act,—

(i) In sub-section (3), in clause (a), for the words "public authority", the words "public authority and PPP Entity" shall be substituted;

(ii) In sub-section (3), in clause (e), for the words "public authority", the words "public authority and PPP Entity" shall be substituted;

(iii) In sub-section (5), for the words "public authority", the words "public authority or PPP Entity" shall be substituted;

Amendment of section 26.

11. In section 26 of the principal Act,—

(i) In sub-section (3), in clause (b), for the words "public authority", the words "public authority and PPP Entity" shall be substituted;

(ii) In sub-section (3), in clause (d), for the words "public authority", the words "public authority and PPP Entity" shall be substituted;

12. In section 27 of the principal Act, in sub-section (2), the following clause shall be inserted, namely:—

'(aa) The definition of "Public Private Partnership (PPP)" and the manner of their functioning is brought within the purview of the Act';

Insertion of clause in section 27.

Allow rules to define PPP.

STATEMENT OF OBJECTS AND REASONS

The Right to Information Act was enacted in 2005. Though the legislation is serving its purpose to a great extent, especially in the sphere of public grievances against the authorities, yet, there are certain lacunae in the Act. This Act does not compulsorily cover private entities, which work on projects of public utility, as a part of public private partnership. Private entities at present can refuse to give out information regarding their projects, hence, a citizen cannot obtain information on a number of public utility projects. This Bill aims to enable all citizens to obtain information from private entities as is related to or relevant to the provisions of public assets and/or public services undertaken by them under PPP model.

Given the Government's interests in using public private partnership to develop the infrastructure of our country, it is essential that private entities be brought under the ambit of the Right to Information Act, 2005. This would further strengthen transparency in public private partnership projects, which are driving key investment into critical areas.

Hence, it is proposed to amend the Right to Information Act, 2005, accordingly.

NEW DELHI,
November 14, 2011.

JAYANT CHAUDHARY

BILL NO. 39 OF 2012*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2012.

**Amendment
of article 171.**

2. In article 171 of the Constitution,—

(i) in clause (3), in sub-clause (c), the words "not lower in standard than that of a secondary School," shall be omitted; and

(ii) after clause (3), the following clause shall be inserted, namely:—

"(3A). Any law made by Parliament under sub-clause (c), before the coming into force of the Constitution (Amendment) Act, 2012 shall, to the extent that such law bars educational institutions lower in standard than that of a secondary school, be void."

STATEMENT OF OBJECTS AND REASONS

Legislative Councils exist in the States of Andhra Pradesh, Bihar, Uttar Pradesh, Maharashtra, Karnataka, Tamil Nadu and Jammu and Kashmir. According to article 171 of the Constitution, teachers of higher secondary schools and colleges only are eligible to vote in elections to the Legislative Councils of those States. It is ironical that the teachers of primary schools have been denied this privilege inspite of the fact that the number of primary schools in the country is very large and the number of teachers in such schools is also equally large. Moreover, the teachers of primary schools play a crucial role in moulding the future of the country by instilling good values in children. When our Constitution was being drafted, the number of Government primary schools were very few in number. That may be the reason for non-inclusion of teachers of primary schools as electors of Legislative Councils.

Therefore, the Bill seeks to amend the Constitution with a view to enable a large number of primary school teachers to vote in elections to Legislative Councils alongwith the teachers of higher secondary schools and colleges in order to give them a voice in elections to Legislative Councils. The demand for the same is going on for a long time and it is high time that such a legislation is brought forth.

Hence this Bill.

NEW DELHI;
March 12, 2012.

RAGHUVANSH PRASAD SINGH

BILL NO. 33 OF 2012

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2012.

Amendment of the Schedule. 2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in

C.O. 22

PART III.—Bihar,—

(i) the existing entry 1 shall be re-numbered as entry 1A, and before entry 1A as so re-numbered, the following entry shall be inserted, namely:—

"1. Amaat";

(ii) after entry 5, the following entries shall be inserted, namely:—

"5A. Beend

5B. Beldar";

(iii) after entry 10, the following entries shall be inserted, namely:—

"10A. Dhanuk

10B. Gangaut";

(iv) after entry 12, the following entry shall be inserted, namely:—

"12A. Gorhi";

(v) after entry 13, the following entry shall be inserted, namely:—

"13A. Kahar";

(vi) after entry 14, the following entry shall be inserted, namely:—

"14A. Kewat";

(vii) after entry 22, the following entry shall be inserted, namely:—

"22A. Mallah";

(viii) after entry 24, the following entry shall be inserted, namely:—

"24A. Nunia";

(ix) after entry 33, the following entry shall be inserted, namely:—

"34. Turha".

STATEMENT OF OBJECTS AND REASONS

In pursuance of article 342 of the Constitution, the list of Scheduled Tribes of various States was first notified in 1950 and since then the list has been modified from time to time. However, there are still certain Tribes, namely, Amaat, Beend, Beldar, Dhanuk, Kahar, Gangaut, Gorhi, Kewat, Mallah, Nunia and Turha in the State of Bihar which have not yet been included in the list of Scheduled Tribes, in respect of that State. The people belonging to these tribes are still socially, educationally and economically backward and are leading a miserable life even after decades of planned development. These communities fulfill all the criteria for being included as a tribe in the Constitution (Scheduled Tribes) Order, 1950. Moreover, they have also been demanding such a status for a long time. Therefore, conferring the status of Scheduled Tribe to these communities is necessary to secure justice for them.

The Bill seeks to achieve the above objective by amending the list of Scheduled Tribes in respect of the State of Bihar.

Hence this Bill.

NEW DELHI;
March 12, 2012.

RAGHUVANSH PRASAD SINGH

FINANCIAL MEMORANDUM

The Bill seeks to include certain Tribes in the list of Scheduled Tribes in respect of the State of Bihar because of their social, educational and economic backwardness. The Bill, therefore, if enacted, would involve recurring and non-recurring expenditure on account of benefits to be provided to the persons belonging to these communities under continuing schemes meant for development of the Scheduled Tribes from the Consolidated Fund of India. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is estimated that a sum of approximately rupees one hundred crore would be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

BILL NO. 6 OF 2012

A Bill further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizenship (Amendment) Act, 2012.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

57 of 1955.

2. In section 5 of the Citizenship Act, 1955, in sub-section (1),—

Amendment
of section 5.

(i) after clause (b), the following clause shall be inserted, namely:—

"(bb) a person of Indian origin who has migrated or migrates to India on account of religious persecution or civil disturbance or fear of such persecution or disturbance from the territories now constituting Pakistan and Bangladesh;".

(ii) after *Explanation 1*, the following *Explanation* shall be inserted, namely:—

"Explanation 1A. For the purposes of clause (bb)—

(i) a person shall be deemed to be of Indian origin if he or either of his ancestors in maternal or paternal line was born in undivided India; and

(ii) a person of Indian origin who has migrated or migrates to India shall not be treated as an illegal migrant or a foreigner under this Act or under any other law for the time being in force.".

STATEMENT OF OBJECTS AND REASONS

The proposed amendment in the Citizenship Act, 1955 has become necessary, after the insertion of section 9-A by the Citizenship (Amendment) Act, 1985 (Act 65 of 1985) incorporating "Special provisions as to Citizenship of persons covered by Assam Accord" because of the fact that certain category of persons have been identified as "D" voters in the Electoral Rolls of Assam.

India was partitioned in 1947 forming two countries, namely, India and Pakistan (including East Pakistan, now Bangladesh). But with the outbreak of riots in Pakistan, immediately after partition, huge number of people belonging to minority community had to flee to India owing to religious persecution, fear of such persecution, civil disturbance and the fear of civil disturbance in that country. At that time Government of India and the national leaders including the then Prime Minister, assured the people fleeing from Pakistan and Bangladesh due to religious persecution and civil disturbance full protection with dignity, honour and citizenship of India.

The proposed amendment in the Citizenship Act, 1955 (as amended till date) is required to protect the rights of the refugees from Bangladesh and Pakistan who had to leave their homeland owing to religious persecution or fear of such persecution or fear of civil disturbances and also to honour the solemn assurance given by the Government of India.

NEW DELHI;

KABINDRA PURKAYASTHA

November 15, 2011.

BILL No. 3 OF 2012

A Bill to provide for compulsory imparting of moral education in educational institutions upto secondary level in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Imparting of Moral Education in Educational Institutions Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Council" means the Advisory Council constituted under section 7;

(c) "educational institution" means any school imparting education upto secondary level;

(d) "moral education" means education based on teaching of good principles and values cherished for years such as regard and respect for elders, parents, teachers and guardians and setting reasonable standards of virtues and reinforcing discipline among students with a view to enable them to distinguish between right and wrong; and

(e) "prescribed" means prescribed by rules made under this Act.

3. From such date as the Central Government may, by notification in the Official Gazette, specify, moral education shall be compulsorily imparted in all educational institutions upto secondary level.

Compulsory moral education in educational institutions.

4. The appropriate Government shall, immediately after issuance of notification under section 3, issue directions for compulsory imparting of moral education in all educational institutions, within its jurisdiction.

Appropriate Government to issue directions for compulsorily imparting moral education.

5. The appropriate Government shall derecognize an educational institution, which does not comply with the provisions of section 3:

Derecognition of educational institutions.

Provided that any such derecognition shall be done only after giving such educational institutions a reasonable opportunity of being heard.

6. Subject to such rules, as may be prescribed, the appropriate Government shall cause to appoint such number of teachers with such qualifications as may be specified, for imparting moral education to students upto secondary level.

Appointment of teachers for imparting moral education.

7. (1) The Central Government shall, by notification in the Official Gazette, establish an Advisory Council in each district in such manner as may be prescribed.

Establishment and functions of Advisory Council.

(2) The Council shall consist of such number of persons, as may be prescribed, which shall include persons having specialized knowledge of moral principles, values and experience of teaching moral education.

(3) The Council shall:—

(a) take steps to encourage media, non-Governmental organizations and other agencies in providing moral education in educational institutions; and

(b) coordinate with the appropriate Government and educational institutions with a view to ensuring effective implementation of the provisions of the Act.

8. Notwithstanding anything contained in this Act, the provisions of this Act, the provisions of this Act shall apply to a minority educational institution only if the management of such institution conveys to the appropriate Government their willingness to impart moral education in their institution.

Act to apply to minority educational institutions in certain situation.

9. The Central Government shall, after due appropriation made by law by Parliament in this behalf provide adequate funds to the States for appointing teachers and other infrastructure required for the purpose of this Act.

Central Government to provide funds.

10. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act, shall be in addition to and not in derogation of any other law for the time being in force.

Overriding effect of the Act.

Power to
make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the modern age, there has been a sharp decline in the values which were cherished and practiced from the time immemorial in Indian society. There was a time when moral education used to be an essential component of the education system at *gurukuls* and such other centres. As a result, pupils grew stronger both intellectually and spiritually and influenced society as well as the State by their significant contributions. However, with the passage of time, we are losing our great values with the result that we tend to become hypocrite and it is reflected in our day-to-day brawls between teachers and students, disrespect to elders and cases of abandonment of old-aged parents by their own offsprings. This trend must be checked urgently.

A child learns from whatever he observes around and, therefore, society, parents and the State owe a duty to create an atmosphere in which children may have all round development. Moral education has become need of the day. Today, there is no dearth of the news items covering incidents of rape of a daughter by her own father, molestation and eve teasing of minor girls, killing of old parents by their own sons, threatening of teachers by their students, etc. It is commonly said that the children are the future of the nation and custodian of moral value of society. So, it becomes all the more important to inculcate in children moral values and ideals right from the early stage of childhood. Preparing a conducive atmosphere to learn moral values will have salutary effect on minds of school going children and when they will grow mature they can easily distinguish between the right and the wrong. It is felt that voluntary action to promote moral values will not have the desired impact unless moral education is imparted compulsorily in all the educational institutions.

Hence this Bill.

NEW DELHI;
November 16, 2011.

MAHENDRASINH P. CHAUHAN

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for appointment of teachers for imparting moral education. Clause 7 provides for establishment of Advisory Councils, which shall include persons having special knowledge of moral principles, values and experience of teaching moral education. Clause 9 provides that Central Government shall provide funds for the purposes of teachers and infrastructure. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five hundred crore will be required for the purpose.

A non-recurring expenditure to the tune of rupees five hundred crore will also be required.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 14 OF 2012

A Bill to provide for punishment for the offences relating to incest and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Incest Offences Act, 2012.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “prescribed” means prescribed by rules made under this Act; and

(b) “sexual exploitation” includes fondling, making sexually explicit remarks, making avoidable and unwarranted physical contact, willful touching or patting, forcing

45 of 1860.
2 of 1974.

for the use of pornographic material or indulging in molestation by deceit or by threatening.

(2) the words and expressions used herein and not defined in this Act but defined in the Indian Penal Code, 1860 or the Code of Criminal Procedure, 1973 shall have the same meanings, respectively, assigned to them in those laws.

3. (1) Whoever knowingly engages or attempts to engage in sexual intercourse with a person, who is his close family member, shall be guilty of an offence of incest and shall be punished with rigorous imprisonment for a term which shall be not less than ten years and shall also be liable to fine:

Incest offences.

Provided that if the close family member is a child under eighteen years of age, the offender shall be punished with life imprisonment.

(2) Whoever knowingly sexually exploits or attempts to sexually exploit any person, who is his close family member, shall be punished with rigorous imprisonment for a term which shall be not less than five years but which may extend upto seven years, and shall also be liable to fine.

(3) For the purposes of sub-sections (1) and (2), the Court shall not take cognizance of the fact that the act or attempt of sexual intercourse with or sexual exploitation of the close family member has happened with the consent of that member.

Explanation.—For the purposes of this section, "close family members" means the following persons:—

- (a) a parent including step parent or grandparent, of either sex;
- (b) a child or other lineal descendent; and
- (c) a brother or sister including half-brother or half-sister; and
- (d) a guardian, uncle, aunt or any other close relative.

4. Notwithstanding anything contained in any other law for the time being in force, in any trial under this Act, the burden of proof as to the innocence shall be on the accused and the victim shall have the right to lead evidence in rebuttal.

Burden of proof.

5. The proceedings under this Act shall be held in camera, if it is so desired by the victim, by a Special Court and, as far as possible, before a women magistrate.

Proceedings to be in-camera.

6. Any statement of the victim under this Act shall be recorded at her or his residence or at the place of her or his choice and as far as possible by a woman police officer in the presence of the victim's parents or guardian or near relatives or social worker of the locality, as the case may be.

Statement of victim to be recorded at residence.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this Act shall be cognizable and non-bailable.

Offences to be cognizable and non-bailable.

8. Notwithstanding anything contained in any other law for the time being in force, no court other than a High Court or the Supreme Court of India shall have the authority to grant anticipatory bail to any person accused of committing an offence under this Act.

Bar on granting anticipatory bail.

9. Save as otherwise provided under this Act, the provisions of the Code of Criminal Procedure, 1973 shall be applicable to any trial under this Act.

Provisions of the Code of Criminal Procedure to be applied.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not

Power to remove difficulties.

2 of 1974.

2 of 1974.

inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of three years from the commencement of this Act.

Act to have overriding effect.

Power to make rules.

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

12. (1) The Central Government may, by notification in the Gazette of India, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modifications in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

As of today, there is no law on incest offences in India. Any incidence of incest is treated as rape and if it is related to the abuse of a boy, it is covered under section 377 of the Indian Penal Code. Last year, a Mumbai Court let off a father who raped his daughter as the heinousness of his crime was not recognised as a separately punishable offence. Most of the cases of incest offences go unreported in India because the family is almost considered sacred and any act of child abuse, if it happens, is met with disbelief and denial. At times, even the judges do not believe that a girl or boy can be abused by family members or relatives. Activists demanding a law to tackle incest believe that it is a reflection of the society's refusal to acknowledge that it exists. The society is in a state of denial that incest does exist, whereas the bare truth is that it is prevalent in our society and only a minuscule number of cases are reported. In contrast, many developed countries recognise incest as a serious crime. The United Kingdom has a law to govern offences of incest since 1908, which provides punishment with imprisonment up to a period of fourteen years. Such laws also exist in Canada, Germany, Hungary, Ireland, Israel, Italy, the Netherlands, United States, Brazil and in a host of other countries. Incest is more common in India than in other countries as there is no law to govern such offences in our country. Child rights activists have been demanding a specific law on incest for quite some time now. The demand was more vociferous, when section 376 of the Indian Penal Code was amended to include policemen and hospital and prison staff who abuse women in their custody and the issue of incest—where a parent or relative abuses a child in his or her care—was overlooked. It is difficult to fathom the agony and trauma of a child who has been a victim of molestation or incest offence by their known or family members. The child suffers this stigma throughout his or her life and has to re-live the pain and trauma over and over again. It is, therefore, high time that a strict and separate law is enacted to counter incest offences in our society.

Hence this Bill.

NEW DELHI;
November 16, 2011.

MAHENDRASINH P. CHAUHAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 7 OF 2012

A Bill to provide for stringent punishment to curb atrocities against girl child and women, rehabilitation measures for victims of atrocities and constitution of special courts to try cases of atrocities against women and girl child and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and extent.

2012.

1. (1) This Act may be called the Women and Girl Child (Prevention of Atrocities) Act,

(2) It extends to the whole of India.

2. (1) In this Act, unless the context otherwise requires,—

(a) 'appropriate Government' means in the case of a State, the Government of that State and in all other cases, the Central Government;

Definitions.

(b) 'atrocity' includes,—

(i) parading any woman or girl child naked or painting their face or body black or similar acts;

(ii) compelling or enticing any woman or girl child to do *begaar* or bonded labour or any work without payment;

(iii) using one's position to harass any woman or girl child or sexually exploit or insult or intimidate with intention to humiliate publicly;

(iv) taking pictures or video without consent, or forcing any woman or girl child into prostitution;

(c) 'girl child' means any female who has not completed the age of eighteen years;

(d) 'stripping' means forcible removing or tearing of cloth or part thereof worn by a girl child or woman with the intention of exposing the body or any part thereof of such girl child or woman, as the case may be;

(f) 'teasing' includes uttering words, song, making the sound of whistle or gesture, exhibiting any object or part of the body, throwing any object or doing any unwanted act to attract the attention of a girl child or woman;

(2) Words and expressions used herein and not defined in this Act but defined in the Indian Penal Code, 1860 or the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Acts.

45 of 1860. 3. Notwithstanding anything contained in the Indian Penal Code, 1860, any person, who outrages the modesty of any woman or girl child by stripping them publicly shall be punished with imprisonment which shall not be less than five years but may extend to ten years and with fine which may extend to rupees ten lakh.

45 of 1860. 4. Notwithstanding anything contained in the Indian Penal Code, 1860, any person, who teases any woman or girl child shall be punished with imprisonment which shall not be less than three years and with the fine which shall not be less than rupees two lakh but which may extend to rupees five lakh.

45 of 1860. 5. Notwithstanding anything contained in the Indian Penal Code, 1860, or any other Act, for the time being in force, any person who offers any woman or girl child as *devdasi* or forces them into prostitution shall be punished with imprisonment which shall not be less than three years and with fine which shall not be less than rupees two lakh but which may extend to rupees five lakh.

45 of 1860. 6. Notwithstanding anything contained in the Indian Penal Code, 1860, any person, who commits any atrocity on any woman or girl child at any place and at any point of time shall be punished with imprisonment which shall not be less than five years and with fine which may extend to rupees five lakh.

45 of 1860. 7. Notwithstanding anything contained in the Indian Penal Code, 1860, any person who commits the offence of rape on any woman or girl child shall be punished with death.

8. Whoever, being a public servant, is convicted of wilfully neglecting his duties required to be performed under this Act, shall be,—

(a) dismissed from service; and

(b) punished with imprisonment for a term, which shall not be less than one year but may extend to three years and also with fine which may extend to rupees two lakh.

Punishment for outraging the modesty of a woman or girl child.

Punishment for teasing of a woman or girl child.

Punishment for offering any woman or girl child as *devdasi* or forcing them into prostitution.

Punishment for committing atrocity on a woman or girl child.

Punishment for committing rape on a woman or girl child.

Punishment for public servant for wilfully neglecting his duties.

Establishment of special courts.

Offence to be cognizable and non-bailable.

Relief and rehabilitation measures.

Central Government to provide funds.

Act to have overriding effect.

Act to supplement other laws.

Power to make rules.

9. The appropriate Government shall, with the concurrence of the concerned High Court, by notification in the Official Gazette, establish a Special Court in each district to try offences under this Act.

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this Act shall be cognizable and non-bailable. 2 of 1974.

11. (1) The appropriate Government shall provide such relief to the victims under this Act by framing appropriate schemes as may be notified from time to time.

(2) Without prejudice to the generality of the foregoing provision, the relief and rehabilitation measures shall include,—

- (a) free medical facilities;
- (b) free boarding and lodging facilities;
- (c) recreational facilities;
- (d) vocational training;
- (e) employment in deserving cases;

(f) such other facilities as the appropriate Government may deem necessary and expedient to provide for the purposes of this Act.

12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

13. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any other law.

14. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our society, despite reforms and awakening, it is very unfortunate that young girls and women are still most vulnerable to various atrocities and violence. Teasing and molesting them even at public places, public transport, etc. have become order of the day. These teasers have become fearless. The anti-social elements pass vulgar remarks, make obscene gestures and meddle hastily with girls and women, which many a time cause bodily injury to them. No person, who witness these incidents, dares to come to rescue of such hapless girls or women. They are subjected to all kinds of torture in public transport, public places. Most of these cases go unreported. Many a time women are reportedly stripped and paraded naked in villages and streets and beaten ruthlessly. In some parts of the country, the women are being branded as witches and killed ruthlessly which needs to be dealt with severely by providing deterrent punishment. Similarly, in some parts of the country, girls are offered as *devdasis* to deities in the temples which ultimately makes them sex workers. Similarly, young girls and women are abducted and forced into prostitution. The number of cases of rape of girl child and women are increasing rapidly. Some of these girls and women are brutally killed after rape. There is no fear of law among the rapists. Hence, it has become necessary to provide deterrent punishment for the perpetrators of atrocities against the girl child and women in order to restore a respectable position to the women and girl child in the society. It is expected that such stringent measures will curb the atrocities against the girl child and women in the society.

Hence this Bill.

NEW DELHI;
16 November, 2011.

MAHENDRASINH P. CHAUHAN

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for the establishment of Special Courts. Clause 11 provide for relief and rehabilitation measures for victims by the appropriate Government. Clause 12 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore may be involved as recurring expenditure per annum.

A sum of rupees seven thousand crore may also involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 4 OF 2012

A Bill further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Hindu Marriage (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 13.

2. In section 13 of the Hindu Marriage Act, 1955, in sub-section (1), after clause (vii), the following clause and proviso thereunder shall be inserted, namely:—

“(viii) is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Indian Penal Code:

Provided that divorce shall not be granted on this ground, unless the respondent has, prior to the presentation of the petition, undergone at least three years' imprisonment out of the said period of seven years.”

25 of 1955.
45 of 1860.

STATEMENT OF OBJECTS AND REASONS

Section 13(1) of the Hindu Marriage Act, 1955 provides that any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the basis of certain grounds that have been enunciated in the clauses (i) to (vii) of this section. However, under the Special Marriage Act, 1954, in section 27(c) there is yet another ground on which divorce may be sought, *i.e.*, is as follows:—

“Respondent is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Indian Penal Code (Act No. 45 of 1860):

Provided that divorce shall not be granted on this ground, unless the respondent has, prior to the presentation of the petition undergone at least three years' imprisonment out of the said period of seven years.”

There seems no reason as to why a person whose marriage is solemnized under Hindu Marriage Act, 1955 should not be afforded this ground of divorce in as much that the dominant logic and purpose for inclusion of this clause in Special Marriage Act, 1954 holds true even for Hindu Marriage Act, 1955. Therefore, persons whose Marriage is solemnized under the Hindu Marriage Act, 1955 shall also have the opportunity to seek divorce on the grounds that the other spouse is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Indian Penal Code, 1860. A proviso has been added at the end that the divorce shall not be granted on this ground, unless the respondent has, prior to the presentation of the petition undergone at least three years' imprisonment out of the said period of seven years.

The Bill seeks to achieve the above objects.

NEW DELHI;
November 18, 2011.

MANISH TEWARI

BILL NO. 9 OF 2012

A Bill to provide for compulsory medical preparedness in schools to deal with medical emergencies and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and extent. 1. (1) This Act may be called the Compulsory Medical Preparedness in Schools Act, 2012.

(2) It extends to the whole of India.

Definitions. 2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "doctor" means a medical practitioner registered with the Medical Council of India;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "school" means a school run by the Central Government or a State Government or a local authority or by an authority designated or sponsored by the appropriate Government and includes Government aided school and recognised private school imparting education upto twelfth standard.

3. (1) The Central Government shall, in consultation with the Medical Council of India, within a period of six months from the commencement of this Act, formulate a health policy for students in schools prescribing norms to be followed in case of medical emergency.

(2) The Central Government shall issue guidelines and directions to the State Governments with regard to medical preparedness in schools from time to time.

Central Government to formulate health policy for students in schools.

4. It shall be the duty of the appropriate Government to ensure that every school, within its jurisdiction, is fully prepared to deal with any medical emergency.

Schools to be prepared for medical emergency.

5. It shall be the duty of the appropriate Government to,—

(i) appoint a registered medical practitioner and a qualified nurse in every school;

(ii) make provision of a full-fledged first-aid centre having life saving equipments and medicines in every school; and

(iii) make provision of an ambulance in every school.

Appropriate Government to appoint doctors and nurses to provide certain facilities in every school.

6. (1) Every school shall maintain health data of every student who is suffering from any life threatening disease, in consultation with his parents or guardians or family doctors, in such manner as may be prescribed.

Schools to maintain health data of students suffering from life threatening disease.

(2) It shall be the duty of every parent to apprise the school administration of the special medical needs of his school going child and keep a slip in the school bag of the child mentioning the kind of medical treatment being taken by the child.

7. Every school shall make arrangements with nearby Government or private hospitals for the purpose of providing immediate medical treatment to students in emergency.

Arrangement with hospitals by schools to provide medical treatment to students in emergency.

8. The appropriate Government shall take steps to organise, from time to time, first-aid training programmes in every school to train every teacher and non-teaching staff member to help the students during medical emergency.

Appropriate Government to organise first-aid training programmes for teachers and staff of every school.

9. The appropriate Government shall designate an authority in every district to monitor and conduct an inspection of medical preparedness in every school at least once in each financial year, in such manner as may be prescribed.

Monitoring and inspection of medical preparedness in schools.

10. The appropriate Government shall take steps to ensure that no school charges any extra amount from the parents of students for arranging medical preparedness or refuses admission to any child, who is suffering from any disease which is not life threatening.

Schools not to charge extra amount for arranging medical preparedness.

Central
Government
to provide
funds.

Penalty.

Power to
remove
difficulties.

Act to have
overriding
effect.

Act not in
derogation of
any other law.
Power to
make rules.

11. The Central Government shall, after due appropriation made by Parliament, in this behalf provide requisite funds for the purposes of this Act.

12. Any person who contravenes the provisions of this Act shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to two lakh rupees or with both.

13. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to medical preparedness in schools or in any instrument having effect by virtue of any law other than this Act.

15. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

16. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Incidents of medical emergency in schools due to injury caused to the students or sickness are very common now a days. Of late, many incidents have come to light wherein students lost their lives for want of proper and immediate medical help in schools. In an incident, a young girl of sixteen years age lost her life as she was not given any first-aid in school and reportedly there was delay in transporting her to the hospital. As of now, even the Department of Education does not have any health policy for students in schools. Every school follows its own set of norms to deal with children's medical emergency. Therefore, there is no proper, uniform and adequate arrangement for medical help to students in emergency. As of now the Government has not issued any direction to schools in this regard. There is an urgent need that proper attention be paid to make available medical facilities and infrastructure in schools to deal with such emergencies. Every school should have a registered doctor, qualified nurse and first-aid centre equipped with life saving medicines. It is also required that every school shall make some arrangement with nearby hospitals to provide medical treatment to students in the eventuality of any accident or medical emergency. The Central Government should also come out with a health policy for students in schools to handle the medical emergency and to provide health services to the students in schools.

The Bill seeks to achieve above objectives.

NEW DELHI;
November 22, 2011.

KIRIT PREMJBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the appropriate Government shall appoint a doctor and a nurse in every school. It also provides for arrangement of first-aid centre and ambulance in every school. Clause 7 provides that every school shall make arrangements with nearby hospitals including private hospitals to provide medical treatment to students in emergency. Clause 8 provides that the appropriate Government shall organise first-aid training programmes for teachers and staff members in every school. Clause 11 provides that the Central Government, shall after due appropriation, provide adequate funds to the State Governments for the purposes of this Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. The State Governments have to incur some expenditure from their respective Consolidated Funds in respect of their States supplemented by assistance from the Central Government. It is estimated that an annual recurring expenditure of rupees fifty hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 10 OF 2012

A Bill to prohibit indecent advertisements depicting vulgarity, obscenity, violent actions or horror, which adversely affect the minds of the citizens particularly of the youth and injure public morality and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Prohibition of Indecent Advertisements Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Advertisement" includes any pamphlet, writing, drawing, painting, photograph, bill, circular, notice, label, poster, hoarding, banner or other document and also includes any visible representation made through radio, television, cassettes, slides by means of any light, sound, smoke or gas and publication in print media such as newspapers, magazines and books;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "indecent advertisement" means advertisement depicting in any manner, a horror or vulgar scene or figure form or body of a male or female, whether nude or semi nude, or any part thereof, which may have the effect of being indecent or derogatory to or denigrating men or women or any religion or is likely to deprave, corrupt or injure public morality or which may induce a person to commit any crime or which may cause road accident;

(d) "prescribed" means prescribed by rules made under this Act.

3. No person shall publish or cause to be published or arrange or take part in the publication or exhibition of or sticking, writing or painting any advertisement which is indecent in any form.

Prohibition of indecent advertisement.

4. No person shall produce or cause to be produced, depict, circulate or distribute any indecent advertisement in any manner.

Prohibition of production, depiction, circulation and distribution of indecent advertisements.

5. (1) Subject to such rules as may be prescribed, any Police Officer, not below the rank of Inspector, having jurisdiction in such area may—

Power to enter, search, seize and confiscate.

(a) enter and search at all reasonable times, any place, in which he has reason to believe that an offence under this Act has been or is being committed;

(b) seize and confiscate any advertisement which he has reason to believe contravenes any of the provisions of this Act.

(2) Where any Police Officer seizes or confiscates any advertisement or material relating thereto under clause (b) of sub-section (1) he shall, as soon as may be, inform the nearest Magistrate and take his orders as to the custody thereof.

Penalty.

6. Any person who contravenes the provisions of section 3 or section 4 shall be punishable—

(i) on first conviction with imprisonment for a term of not less than three years but which may extend to seven years and with fine which shall not be less than thirty thousand rupees but may extend to fifty thousand rupees; and

(ii) in the event of second or subsequent conviction with imprisonment for a term of not less than five years but which may extend to ten years and with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees.

7. Where an offence under this Act has been committed by any company, firm or other association of individuals, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against the punished accordingly.

Offences by Companies.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence punishable under this Act shall be cognizable and bailable.

Offence to be cognizable and bailable.

Savings.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act not to apply on certain advertisements aimed at public education.

10. (1) For the removal of doubts, it is hereby declared that the provisions of this Act shall not apply to advertisements which are aimed at educating the general public or a particular group.

(2) For the purpose of deciding advertisements referred to in sub-section (1), the Central Government shall designate such number of officers, not below the rank of Joint Secretary, as it may deem fit.

Power to make rules.

11. (1) The Central Government may, by notification in the Gazette of India, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Of late every nook and corner of the country is flooded with all sorts of indecent and vulgar advertisements which are adversely affecting the minds of the people particularly the youth. The newspapers publish advertisements of cabaret dances, obscene adult films with sexy and vulgar titles depicting almost nude and compromising photographs of the scenes of such semi blue films. Magazines are also publishing indecent advertisements of consumer goods particularly of cosmetic items. The cinema halls are not only showing vulgar, sexy and violent films but are also displaying photographs of vulgar scenes of films in their show windows and in large hoardings outside the cinema halls and other places. Posters of such films are also pasted on every space of the walls everywhere. Advertising agencies are putting large hoardings of indecent advertisements at important intersection of roads and particularly on the sides of busy roads. Sometimes, these indecent advertisements on the roadsides attract the attention of the road users resulting in fatal road accidents. Video cassettes full of indecent advertisements are sold everywhere. Even audio advertisements have become vulgar and indecent. Such advertisements are playing havoc with the minds of the young generation. Attracted with the advertisements, they are committing heinous crimes of theft, murder, rape, dacoity, etc. They are attracted towards smoking, drinking, etc. which ultimately lure them to drug addiction. Such indecent advertisements are also injuring public morality resulting in anger and anguish which became evident when school girls in the capital blackened the indecent film posters and hoardings. It is, therefore, necessary to prohibit such indecent advertisements and deterrent punishment for the violators so that the society is cleansed of such vulgar displays.

Hence this Bill.

NEW DELHI,
November 22, 2011.

KIRIT PREMJBHAI SOLANKI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 16 OF 2012

A Bill to prohibit the use of coercive methods such as intimidation and harassment either verbal or physical against any person or his family members for recovery of loans by banks, or their agents, whether authorized or not, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

Short title,
extent and
commencement

1. (1) This Act may be called the Prohibition on Use of Coercive Methods for Recovery of Bank Loans Bill, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "bank" means any scheduled bank included in the Reserve Bank of India Act, 1934 or any private or foreign bank or any financial institution authorized by the Government to accept deposits, channel deposits into lending activities and includes their agents;

(b) "family" includes mother, father, spouse, son, daughter, sister and brother

and their families; and

(c) "prescribed" means prescribed by rules made under this Act.

3. No bank or its agent, whether authorized or not, shall, for the purpose of recovery of a loan,—

- (i) resort to use of intimidation or harassment, either verbal or physical, against any person or his family;
- (ii) make any threatening call or make false and misleading representation to that person or his family;
- (iii) insult that person or his family in public;
- (iv) cause damage or take away any movable property of that person;
- (v) cause damage or forcefully acquire the immovable property of that person; or
- (vi) visit residence of that person during odd hours.

4. No bank shall outsource its process of recovery of loan to any outside agency without the approval of the Reserve Bank of India.

Banks not to resort to use of illegal means for recovery of loan.

5. The Reserve Bank of India shall, from time to time, issue necessary guidelines to banks for proper scrutiny of papers relating to disbursement of loans.

Bank not to outsource loan recovery without approval of Reserve Bank of India.

Reserve Bank of India to issue guidelines for scrutiny of papers relating to disbursement of loans.

Penalty.

6. Whoever contravenes the provisions of this Act shall be punished with imprisonment, which may extend to five years and also with fine, which may extend to rupees five lakh.

7. (1) Where a contravention of any of the provisions of this Act is committed by a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act is committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section:—

(i) "company" means any body corporate and includes a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for

Power to remove difficulties.

removing the difficulty:

Provided that no such orders shall be made after the expiry of a period of three years from the date of commencement of this Act.

Overriding effect of the Act.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid, the provisions of this Act shall be in addition to and not derogation of any other law for the time being in force.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Today, there is a cut throat competition among the banks and financial institutions to increase their customer base, particularly, by giving loans on attractive terms. Day in and day out, numerous calls are made by the representatives of banks or their agents to lakhs of persons offering loans for all kinds of their requirements. Once a person accepts the offer and completes the formalities, his ordeal begins. A number of hidden conditions and charges about which the customers are not informed at the time of offering loans comes to light. If due to some genuine reasons, a customer fails to repay one or two instalments of loan, the bank or its agent which were so soft while providing loan, change their colors and adopt all kind of illegal and harsh methods to recover the loan. Though many of the banks are doing a fair business and following the procedure established by law in case of default, yet there are banks which resort to intimidation and harassment. In normal course, if a customer is not paying his debt, proceeding against him may be initiated in debt recovery tribunal or courts instead of harassing him. In fact, in the era of outsourcing, banks have also given the responsibility of recovering bad debt to some private companies, which for each recovery, get commission. More often than not the recovery agents and banks are not at the same wavelength. These private companies often employ musclemen who threaten the customers and their families. These musclemen insult the customers in public and forcibly take away the properties for which the loan has been secured and also make anonymous calls. Various Courts and the Reserve Bank of India have, on several occasions, cautioned the banks and their agents not to resort to such means to recover loan. The Reserve Bank of India has even issued a set of guidelines asking banks and their agents, not to intimidate or harass people in their efforts to recover bad debt. But all these measures have not been able to curb the coercive methods by banks or their agents simply because these guidelines are ineffective in the absence of any punishment for their violation. Therefore, it is high time that a law on the subject may be framed to save the innocent customers taking loans from banks and financial institutions from the harassment and insult.

Hence this Bill.

NEW DELHI;
November 22, 2011.

KIRIT PREMJIBHAI SOLANKI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 20 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2012.

Amendment
of article 85.

2. In article 85 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:

"Provided that the number of sittings of each House of Parliament in all sessions in a calendar year shall not be less than one hundred and fifty days.".

STATEMENT OF OBJECTS AND REASONS

The Constitution of India does not specify the number of sittings of each House of Parliament. It merely says that six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. There is, of late, a growing tendency to curtail the number of sittings of the Houses.

India is a country with complex problems which need immediate and durable solutions. Parliament is the supreme law making body. If it meets only for a limited number of days, it will cease to be an effective platform for the people to ventilate their grievances and seek remedy. The All India Presiding Officers Conference discussed the matter and proposed that the number of sittings of Parliament and State Legislatures be increased. But, so far, no initiative in this regard has come from the Central Government.

Parliament and State Legislatures should meet more often to discuss legislative proposals and other burning problems of the people.

The present Bill provides that the each House of Parliament should meet at least for one hundred and fifty days in a calendar year. Thus it aims at fulfilling the long felt desire of the people and their representatives.

NEW DELHI,
November 30, 2011.

DEEPENDER SINGH HOODA

BILL NO. 18 OF 2012

A Bill to regulate the functioning of computer training centres and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Computer Training Centres (Regulation) Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

<p>(b) "computer centres" includes a centre in which computer courses or advance courses in computer education are conducted for imparting training to persons already knowing computer operations or where training is imparted to those who are aspiring for jobs in computer or related industries; and</p>	<p>Computer centres not to function without registration.</p>
<p>3. On and from the date of commencement of this Act, no person shall run any computer centre without prior registration with the appropriate Government.</p>	<p>Computer centres to apply for registration.</p>
<p>4. The in-charge or the head of the affairs of a computer centre, whether set up prior to or after the commencement of this Act, shall, within one month from the date of commencement of this Act, apply to the appropriate Government, in such form and manner, as may be prescribed, for registration of his computer centre.</p>	<p>Scrutiny of an application.</p>
<p>5. The appropriate Government shall, on receipt of an application under section 4 cause it to be scrutinized as to the genuineness of the computer centre and shall carry out such investigation as it may deem fit to ensure that the particulars furnished by the computer centre for registration are in order and that the centre fulfils the conditions prescribed for registration under the Act or rules made thereunder.</p>	<p>Issue of registration certificate.</p>
<p>6. On being satisfied that the computer centre fulfils the prescribed conditions, the appropriate Government shall issue a registration certificate in favour of that computer centre for such period as it may deem fit.</p>	<p>Syllabus and fees.</p>
<p>7. The appropriate Government shall prescribe syllabus and fees to be charged for each course imparted by a computer centre.</p>	<p>Complaint to be investigated.</p>
<p>8. On receipt of a complaint regarding the improper functioning of a computer centre, the appropriate Government shall cause the complaint to be investigated and a decision on it shall be taken within one month from the date of receipt of the complaint.</p>	<p>Cancellation of registration.</p>
<p>9. If, on investigation, it is found that the complaint was in order, the appropriate Government shall forthwith cancel the registration of the computer centre against which the complaint was lodged.</p>	<p>Punishment.</p>
<p>10. Any person who violates the provisions of this Act shall be punished with imprisonment for a term which shall not be less than three years and with fine which shall not be less than rupees one lakh.</p>	<p>Power to make rules.</p>
<p>11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p>	<p></p>
<p>(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>	<p></p>

STATEMENT OF OBJECTS AND REASONS

A large number of computer training centres are functioning in the country without proper registration. These centres charge exorbitant fees from students. They do not have proper facilities or course content to impart quality training. There have been some instances in which the institutes, after collecting huge amount of money from students, closed down their operations without completing courses. Thus, students were left in the lurch. In order to protect the interest of student community, there is a need to regulate the functioning of the computer institutions in the country.

The Bill seeks to provide for due registration of all computer training centres and also provides for punishment to those who are running such training centres without proper registration.

Hence this Bill.

NEW DELHI;
February 24, 2012.

ADHIR RANJAN CHOWDHURY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 30 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2012.

Short title.

2. After article 371C of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
371CA.

“371CA. Notwithstanding anything in this Constitution, the provisions of article 3 shall not apply in relation to the State of Manipur.”.

Provision for
preserving
territorial
integrity of
the State of
Manipur.

STATEMENT OF OBJECTS AND REASONS

Manipur has been recognized as a political entity having a geographical boundary, a demographic identity and a long glorious history and tradition.

Manipur had a long history of monarchy which is more than two thousand years old. Since the coronation of King Pakhangba in circa 36 AD, it had been a stable monarchy hardly interfered by any outside force or invader. In its long history of existence, Manipur was occupied only twice by the external forces. First, during Burmese invasion (1819-1825) and later by the British (1891-1947). After that, Manipur remained an independent princely State from the year 1947 to 1949, when it merged with the Union of India. The merger agreement was signed between the Government of India and the then Maharaja of Manipur on 21st September, 1949, which came into force *w.e.f.* 15th October, 1949. Thus, the territorial area of Manipur which existed at the time of merger must be respected, made sacrosanct and preserved.

In ancient times, the land of Manipur was inhabited by few ethnic groups. However, in course of time, the demographic complexion has changed and now the population of Manipur comprises of various communities and ethnic groups. Barring some sporadic instances of feuds and clashes between the communities and ethnic groups, the spirit of peaceful co-existence still exists among the people of Manipur. The fact remains that Manipur belongs to the people of Manipur. The political entity and unity of Manipur must be protected and safeguarded in the interest of the people of Manipur.

For about three years from 1947 to 1949, the princely State of Manipur remained a buffer-state between India and Burma (Myanmar). Ultimately, Manipur joined the Union of India on 15th October, 1949 and at that time the geographical area of Manipur was about 22,327 sq. km. The sanctity of this geographical area of Manipur which existed at the time of merger with the Union of India must be given a constitutional protection and safeguard. Moreover, a series of resolutions have been adopted by the Manipur Legislative Assembly for protection of the territorial integrity of Manipur, the latest being the one adopted on June 12, 2002.

Hence this Bill.

NEW DELHI;
February 28, 2012.

THOKCHOM MEINYA

BILL NO. 32 OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2012.
2. After article 22, the following heading and article shall be inserted, namely,—

"Rights of Children

22A. (1) Every child shall have the right to—

- (a) post-natal care up to two years after birth;
- (b) access to children parks, sports facilities and other provision of enjoyment or entertainment;

Short title.

Insertion of
new article
22A.

- (c) quality education from nursery up to higher secondary level;
- (d) comprehensive health care up to eighteen years of age;
- (e) creche facilities, if both the parents are employed;
- (f) learning music, arts, fine arts and literature; and
- (g) nutritious meal and diet during school hours free of cost.

Explanation.—For the purposes of this article, a child means a child who is below eighteen years of age and born of parents at least one of whom is an Indian citizen.

(2) Parliament shall by law, within a period of one year from the date of coming into force of the Constitution (Amendment) Act, 2012, provide for effective implementation of the Rights of Children.”.

STATEMENT OF OBJECTS AND REASONS

Children are the future of a country. But in our country, they are harassed and exploited in all possible ways. Most children do not have access to schools. At a time when children have to play and learn, they are either engaged in various industries such as *beedi* making, crackers, etc. and are made to work for long hours. They do not get nutritious food and as such most of them fall sick very often.

Thus, children should be given every opportunity to learn and grow, so that they can become responsible citizens of the country. Keeping this in perspective, it is proposed to insert a new chapter "Rights of Children" in *Part III—Fundamental Rights*, of the Constitution.

Hence this Bill.

NEW DELHI;
March 12, 2012.

BHOLA SINGH

FINANCIAL MEMORANDUM

The Bill seeks to provide for certain facilities free of cost to children. Of course, a law will be enacted to determine the beneficiaries. Yet, some expenditure will be involved from the Consolidated Fund of India when the provisions come into force. It is likely that an annual recurring expenditure of about rupees two thousand crore will be involved.

A non-recurring expenditure of about rupees one thousand crore will also be involved.

BILL No. 31 OF 2012

A Bill to provide for the establishment of a Rural Electrification Authority to ensure uninterrupted electricity supply to farmers for their agricultural activities and at least one single point light connection to every household in rural areas and for matters connected therewith.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Rural Electrification Act, 2012.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Authority” means the Rural Electrification Authority established under section 3;

(b) "electricity" means electric energy generated, transmitted, supplied or traded for any purpose except the transmission of a message; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall establish an Authority to be known as the Rural Electrification Authority having its headquarters at Mumbai in the State of Maharashtra.

Establishment
of Rural
Electrification
Authority.

(2) The Authority shall consist of five members to be appointed by the Central Government of whom at least two members shall be from amongst the farmers to be nominated by the Central Government in such manner as may be prescribed.

(3) The Central Government shall appoint one of the members as the Chairperson of the Authority.

(4) The Chairperson and other members of the Authority shall hold office during the pleasure of the Central Government.

(5) The salary, allowances and other terms and conditions of service of the Chairperson and other members of the Authority shall be such as may be prescribed.

(6) The Authority may appoint a Secretary and such other officers and employees as it considers necessary for the performance of its functions under this Act and on such terms and conditions as may be prescribed.

4. (1) The Authority shall,—

Functions and
duties of the
Authority.

(i) develop a sound, adequate and uniform national policy in order to provide,—

(a) uninterrupted power supply to the farmers for irrigation and other agricultural purposes;

(b) uninterrupted power supply to the village and cottage industries and village artisans engaged in self-employment in villages; and

(c) at least one single point connection of electricity in every dwelling unit of each village in the country.

(ii) establish new power generating stations in such areas as it may consider necessary;

(iii) invite and encourage private sector in establishing power units exclusively for the rural areas in the country;

(iv) carry out surveys and to collect and record data concerning the generation, distribution and utilisation of power in the rural sector and the development of power resources in the rural areas;

(v) co-ordinate the activities of the national and State planning agencies in relation to the control and utilisation of power resources for the rural sector; and

(vi) perform such other functions and duties as the Central Government may, from time to time, prescribe or direct.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Authority may also provide for—

(i) supply of electricity to the farmers at such subsidised rates, as may be prescribed, from time to time; and

(ii) single point light connection and supply of electricity free of cost to the dwelling units of the Scheduled Castes, Scheduled Tribes and other Backward Classes in rural areas.

5. (1) The Authority shall set up a Fund to be known as the Rural Electricity Development Fund.

Rural
Electricity
Development
Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by the Authority by way of donation, contribution, assistance or otherwise.

(4) All payments by the Authority towards rural electrification expenditure and for its administrative expenditure shall be made from the Fund.

Central
Government
to provide
funds.

6. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the rural electrification works to be undertaken by the Authority.

Provisions to
be in addition
to and not in
derogation of
any other
Act.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to
make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There is an acute shortage of power in our country which is the primary cause of our backwardness. As a result of power shortage, both the industrial sector and the agricultural sector cannot make progress at the desired levels resulting ultimately in backwardness. Our Power stations, whether thermal, hydel or atomic, are generating electricity much below their capacity whereas the demand for electricity is increasing day-by-day in all the sectors. It has been observed that while distributing the generated electricity, the Electricity Boards and Undertakings give priority to the urban areas and the industrial sector thereby neglecting the rural areas particularly the agricultural sector. Very often it has been seen that the electricity meant for rural areas is diverted to the urban areas. Hue and cry is raised by the people and by the print and the electronic media if there is a load shedding for a few hours in the cities but nobody bothers when the electricity is cut off in the rural areas for months together even if the crops of the hapless farmers are dying in the absence of water as farmers cannot run the tubewell without electricity. Since more than seventy-five per cent. of our population is engaged in agriculture and agriculture-based small and cottage industries, it is our duty to give uninterrupted electricity supply to the agricultural sector. It is also necessary to provide at least one point electric connection to every household including every hut in the country to remove the darkness prevailing there. To achieve these objectives, it is proposed to establish a Rural Electrification Authority to provide electricity exclusively to the rural areas and uninterrupted electricity supply to the agricultural sector and give at least single point light connection to every household in the villages.

Hence, this Bill.

NEW DELHI,
March 12, 2012.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Rural Electrification Authority. Clause 4 provides, *inter alia*, that Authority shall establish power stations and provide at least one power connection to every rural household. Clause 5 provides for setting up of a Rural Electricity Development Fund. Clause 6 provides that Central Government shall provide adequate funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring annual expenditure of rupees five hundred crore will be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of detail only. The delegation of legislative power, therefore, is of a normal character.

BILL No. 35 OF 2012

A Bill to provide for free medical and engineering education to meritorious students who are economically weak and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Provision of Free Medical and Engineering Education to Meritorious Students Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "economically weak student" means a student whose family income from all sources is not more than rupees two thousand per month;

(c) "meritorious student" means a student,—

(i) who obtains such marks or grade in a school examination, as may be prescribed, and gets selected in a medical or engineering course on the basis of such marks or grade; or

(ii) who gets selected in a medical or engineering course on the basis of rank secured by him in a State or national level entrance examination conducted for the purpose of admitting students into medical or engineering course; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) The appropriate Government shall provide free medical or engineering education to every meritorious student who is economically weak.

Explanation.— For the purpose of this section, free education includes,—

(a) all expenses incurred on admission and tuition fees;

(b) books and stationery items;

(c) hostel facilities, wherever necessary; and

(d) scholarships, in such cases, as may be prescribed.

Provision of free medical or engineering education to economically weak students.

4. The Central Government shall, after due appropriation made by Parliament, in this behalf, provide adequate funds to the State Governments for the purposes of this Act.

Central Government to provide funds.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters provided in this Act.

Provisions of the Act not to be in derogation of any other law for the time being in force.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Most of the parents aspire to make their children either a doctor or an engineer and most of the youth studying in the schools also have the same desire. However, there are many extraordinarily brilliant students whose dreams are not realised only due to poverty. Medical and engineering education is so expensive that even middle class families cannot afford to provide this education to their children. For this reason, a large number of meritorious students are not able to get admission in medical or engineering colleges.

Since our country is a welfare State, it is our duty to provide opportunity to such poor but meritorious students to continue the courses of their interest and fulfil their life's ambition.

NEW DELHI;

March 12, 2012.

RAMEN DEKA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free medical and engineering education by the appropriate Government for meritorious students, who are economically weak. It also provides for scholarships and certain other facilities to those students. Clause 4 provides that the Central Government shall, after due appropriation, provide adequate funds to the State Governments for the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore is likely to be involved as a recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 37 OF 2012

A Bill to provide for certain welfare measures for salt workers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Salt Workers Welfare Act, 2012.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "salt worker" means a saltpan worker and includes workers engaged in digging wells for salt harvesting or drawing up sub-soil brine or briny water into the salt pans or loading or unloading or transportation or marketing of salt for earning their livelihood;

(b) "Board" means the Salt Workers Welfare Board established under section 3;

(c) "Fund" means the Salt Workers Welfare Fund constituted under section 5; and

(d) "prescribed" means prescribed by rules made under this Act.

Establishment
of Salt
Workers
Welfare
Board.

3. (1) The Central Government shall establish a Board to be known as the Salt Workers Welfare Board.

(2) The Board shall consist of—

(a) the Union Minister of Labour and Employment—Chairman, *ex-officio*;

(b) five persons representing non-governmental organizations working for the welfare of salt workers, to be nominated by the Central Government in such manner, as may be prescribed—*members*; and

(c) five persons from amongst the saltpan workers, to be nominated by the Central Government in such manner, as may be prescribed—*members*.

(3) The salary and allowances payable to, and other terms and conditions of service of the members of the Board shall be such as may be prescribed.

Functions of
the Board.

4. (1) The Board shall—

(i) undertake, from time to time, census of salt workers;

(ii) maintain a register of salt workers;

(iii) issue identity cards to salt workers and their family members;

(iv) fix, from time to time, Minimum wages for salt workers and ensure payment of minimum wages so fixed to them;

(v) prescribe terms and conditions of work of salt workers including their working hours;

(vi) ensure that the work place of salt workers have basic amenities like access to potable drinking water, mobile clinics, protective gears, eye-goggles, boots, face masks, modern equipments to be used in salt making, sanitation facilities and rest sheds;

(vii) provide free group insurance coverage to salt workers;

(viii) ensure that there are adequate number of creches, schools and entertainment facilities for the children of salt workers;

(ix) ensure that salt workers are provided with alternate employment opportunities during lean season;

(x) provide adequate health care facilities for salt workers and their family members; and

(xi) take such other measures as may be necessary for welfare of salt workers and their family members.

(2) For efficient discharge of its functions, the Board may set up its offices at such places, with such number of officers and staff members, as it may deem necessary.

Constitution
of Salt
Workers
Welfare Fund.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Salt Workers Welfare Fund with an initial corpus of rupees five hundred crore.

(2) The Central Government shall, from time to time, credit such sums to the Fund, as may be necessary for carrying out the purposes of the Act.

(3) There shall also be credited to the Fund such grants or donations as may be made by any person or institution.

(4) The Board shall administer and utilize the Fund for carrying out the functions entrusted to it under section 4.

(5) Without prejudice to the generality of the foregoing provisions, the Fund shall also be utilized for providing following benefits to salt workers, namely:—

- (i) payment of compensation to the next of the kin of the salt worker in event of his death;
- (ii) payment of old age pension;
- (iii) payment of disability allowance;
- (iv) housing facility at subsidised rate;
- (v) loan at concessional rate of interest; and
- (vi) transportation and marketing facilities.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Salt pan worker community is one of the most disadvantaged communities in the world. They are the poorest of the poor. These workers live in extreme poverty. They work in hot sunlight without any basic facilities like goggles, boots, drinking water, sanitation, etc.

The children born to these parents also suffer from many ailments right from birth as their parents work bare foot, exposed to the relentless sun and other occupational dangers. Most of these workers suffer work related health hazards like blisters, burns, cuts, falling hair, headaches, ulcer, wart in legs and feet, fissures, keatodermia, callosities, atrophic scars, high blood pressure, skin cancer, etc. Their life expectancy is quite low and infant mortality is high. These workers suffer from womb to tomb in silence.

Salt workers die young due to health hazards of their profession. It is said that a salt pan worker has three ways to die—first Gangrene, second Tuberculosis and third blindness. In every house, people die this way. Even after death, salt pan workers suffer an ignoble fate: their hands and feet are difficult to burn during cremation because of salt content in their bodies. The wages of salt pan workers are very low and hence they have almost negligible chance to escape from the cycle of poverty and poor health. Most of the salt workers fall in debt trap of moneylenders and hardly get any chance to come out of it because of abject poverty.

Most of the salt pan workers belong to the Scheduled Castes or the Scheduled Tribes. They are millions in number living in several States. There is an urgent need to provide some succour to these voiceless, powerless and resourceless citizens of our country. The Bill seeks to provide for setting up of the Salt Workers Welfare Fund to be utilized for welfare and rehabilitation of salt workers and also for setting up of a Board to administer the Fund in order to provide certain basic facilities to salt workers and their family members.

NEW DELHI;
March 15, 2012

P.L. PUNIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Salt Workers Welfare Board. Clause 4 provides, *inter alia*, for undertaking census and maintaining a register of salt workers, issue of identity cards to them and other facilities. Clause 5 provides for setting up of a Salt Workers Welfare Fund with an initial corpus of rupees five hundred crore to be utilized for the welfare of salt workers. It also provides that the Central Government shall, from time to time, credit such amount to the Fund as may be necessary for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees two hundred crore will be involved per annum.

A non-recurring expenditure to the tune of rupees seven hundred crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 48 OF 2012

A Bill to provide for establishment of permanent Benches of the High Courts in State Capitals where the principal seat or a permanent Bench of the High Court concerned is situated at a place other than the State Capital and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Establishment of Permanent Benches of High Courts at State Capitals Act, 2012.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Establishment
of a
permanent
Bench of the
High Court
concerned at
capital city of
every State.

2. (1) Notwithstanding anything contained in any other law for the time being in force, where the principal seat or a permanent Bench of the High Court of a State is situated at a place other than the State Capital, the President may, on recommendation of the State Government, by order, provide for the establishment of a permanent Bench of that High Court at the State Capital.

(2) The number of Judges who will sit at the permanent Bench at the State Capital shall be such as the Chief Justice of the High Court of that State may from time to time nominate.

(3) The permanent Bench at the State Capital shall exercise the jurisdiction and power for the time being vested in the High Court of that State in respect of cases arising in the territories comprising of the State Capital and such other territories within that State as the President may by notification specify.

STATEMENT OF OBJECTS AND REASONS

There have been constant demands from several quarters for establishing permanent Benches of High Courts at State Capitals where the principal seat of the High Court of a State is situated at a place other than the State Capital.

The principal seat of the Kerala High Court is at Ernakulam, which is situated at a distance of 200 kms. from the State Capital, Thiruvananthapuram. Ever since the formation of the State of Kerala in 1956, there has been a demand for the establishment of a permanent Bench at the State Capital.

It has been observed that the State is a principal litigant in a majority of cases pending in various High Courts. This had led to the State Governments incurring considerable expenditure on account of travelling allowance and leave allowance given to the Government employees for travelling from State Capitals to the places of principal seats of the High Courts concerned for depositions.

Moreover, it has been the policy of the successive Governments that justice should be taken to the doors of the litigants and therefore the litigants should not be compelled to go long distance to the Court. In the interest of administration of justice, the court must be easily accessible to the litigants and witnesses.

There is no provision for establishing a permanent Bench of High Court in State Capital in respect of existing States where the principal seat of that High Court exists at a place other than the State Capital. Therefore, it is necessary to enact a legislation providing for establishing a permanent Bench of a High Court of the State in the State Capital on the recommendation of the State Government concerned, where such seat does not exist or the principal seat of that High Court exists at a place other than the State Capital.

Hence this Bill.

NEW DELHI;
March 22, 2012.

SHASHI THAROOR

BILL NO. 44 OF 2012

A Bill to provide for the welfare of fishermen in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Fishermen (Welfare) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "Board" means the Fishermen Welfare Board established under section 3;

(ii) "fisherman" means a person engaged in fishing and fishing related works such as repairing, maintaining and manning boats, nets and other equipments used in fishing or peeling, drying and selling of fish; and

(iii) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, set up a Board to be known as the Fishermen Welfare Board.

Fishermen
Welfare
Board.

(2) The Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The Board shall consist of,—

(i) a Chairperson and four other members to be appointed by the Central Government in such manner as may be prescribed;

(ii) not more than one representative each from the littoral States and Union territories to be nominated by the respective State Governments and Union territories Administrations;

(4) The salaries and allowances payable to and other terms and conditions of service of the Chairperson and other members of the Board shall be such as may be prescribed.

(5) The Central Government shall provide to the Board such number of officers and staff as may be necessary for the efficient functioning of the Board.

4. (1) The Board shall formulate a scheme for the welfare of fishermen.

Board to
formulate a
scheme for
welfare of
fishermen.

(2) Without prejudice to the generality of the foregoing provision, such a scheme shall also provide for—

(i) provision of boats, nets, jetties and life boats at concessional rates;

(ii) provision of loan facilities for purchasing of boats, nets and life boats;

(iii) provision of cold storage facilities for fish and other 'catches' by fishermen at subsidized rates;

(iv) provision of fish processing plants near the fish catching areas;

(v) provision of marketing facilities for their produce;

(vi) facilitating the export of fish;

(vii) transportation facility of processed fish to seaport or airport for the purpose of export at concessional rates;

(viii) insurance facilities;

(ix) free health care facilities to fishermen and their family members;

(x) old age pension;

(xi) subsistence allowance during such situations as floods, storms or rains when fishermen cannot go into sea for fishing; and

(xii) housing facilities at concessional rates.

5. Notwithstanding anything in this Act or any other law for the time being in force, the Central Government shall pay compensation of :—

Compensation
in case of
death or
serious injury.

(i) rupees five lakh to the nearest kin of a fisherman in case of his death, or;

(ii) rupees two lakh to the fisherman in case of a serious injury to him due to any accident while catching fish on the high seas or actions of the pirates.

Release of
fishermen
from
imprisonment
by a foreign
country.

6. (1) Where a fisherman while fishing is imprisoned by a foreign country on account of straying into territorial waters of that country or is kidnapped by any person including pirates, the Central Government shall take all necessary measures to facilitate the early release and transportation of fishermen to his home.

(2) The Central Government shall pay a subsistence allowance of rupees three thousand per month in such manner as may be prescribed to the family of a fisherman imprisoned under the circumstances referred to sub-section (1) till the fisherman is released and brought home.

Grants by the
Central
Government.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Board by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

Power to
make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Fishing is an important occupation for lakhs of people in our country since ancient times. The fish is processed and exported to many countries thereby generating a considerable monetary benefit to the country. Fishing industry provides employment to lakhs of people directly or indirectly. Fish is consumed by many people and fish oil is also used in making medicines.

Lakhs of fishermen are involved in this occupation. But the difficulties the fishermen are facing are manifold. Fishing is seasonal occupation in the sense that fishermen cannot go into sea throughout the year for fishing. There is also no facility for processing, storage, marketing, transportation and export of fish. Moreover, a fisherman has to pay huge rent for boats, etc. which he has to hire during fishing and on a given day, he may not earn anything. Besides, in the recent times, fishermen are facing another grave situation of being fired upon, killed or attacked either by mistake or deliberately by defence forces of another country on the plea of intruding into the territorial waters of that country. There have been many instances when our fishermen were killed or captured or imprisoned and tortured. The chances of being kidnapped by pirates on the high seas also add to their problems.

No concrete steps have so far been taken by the Government to address the problems being faced by the fishermen. In many cases, the fishermen are released after many years because of which the lives of their family members become miserable. No compensation or subsistence allowance is given by the Government in such cases. A mechanism for the welfare of fishermen is absolutely essential and the Bill aims at in that direction.

Hence, this Bill.

NEW DELHI;
March 26, 2012.

KODIKUNNIL SURESH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Fishermen Welfare Board. Clause 4 provides that the Board shall formulate a scheme for the welfare of fishermen. Clause 5 provides for compensation to a fisherman in case of death or serious injury. Clause 6 provides for subsistence allowance to the family of fishermen while they are imprisoned in a foreign country. Clause 7 provides for grants by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore per annum.

A non-recurring expenditure of rupees ten thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 53 OF 2012

A Bill to provide for the establishment of a Corporation for the welfare and dvancement of persons belonging to economically weaker class and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Economically Weaker Class Corporation Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "Corporation" means the Economically Weaker Class Corporation established under section 3;

(iii) "economically weaker class" means any household except those belonging to the Scheduled Castes or the Scheduled Tribes whose annual income from all sources does not exceed rupees two lakh or such amount, not less than rupees two lakh, as the Central Government may, from time to time, notify; and

(iv) "prescribed" means prescribed by rules made under this Act.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, there shall be established a Corporation to be known as the Economically Weaker Class Corporation.

Establishment
of
Economically
Weaker Class
Corporation.

(2) The Corporation shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The general superintendence, direction and management of the affairs and business of the Corporation shall vest in a Board of directors which may exercise all such powers and do all such acts as may be exercised or done by the Corporation under this Act.

(4) The Board of directors shall consist of—

(a) a Chairperson; and

(b) six other directors,

to be appointed by the Central Government in such manner as may be prescribed.

(5) The salaries and allowances payable to and other terms and conditions of service of the Chairperson and other directors of the Corporation shall be such as may be prescribed.

(6) The Corporation shall have its office at such place as may be prescribed.

(7) The Corporation shall, in consultation with the Central Government, appoint a Managing Director and such number of officers and staff, as it may deem necessary for its efficient functioning.

(8) The salaries and allowances payable to and other terms and conditions of service of the Managing Director and other officers and staff of the Corporation shall be such as may be prescribed.

4. (1) The Corporation shall have a Fund with an initial corpus of rupees five thousand crore.

Fund of the
Corporation.

(2) The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, credit such sums to the Fund as may be necessary for carrying out the purposes of this Act.

(3) The Fund shall be administered by the Chairperson of the Corporation or by any director of the Corporation authorized by him in this behalf.

5. The Corporation shall,—

Functions
of the
Corporation.

(i) in consultation with the State Governments, identify the families belonging to economically weaker class by evolving such methods, as it may deem fit;

(ii) maintain a register of families belonging to economically weaker class;

(iii) provide the following facilities to the families belonging to economically weaker class,—

(a) free educational facilities to the children;

(b) educational loan for higher education at concessional rate of interest;

(c) opportunities for employment and self employment;

(d) free healthcare facilities;

(e) financial assistance for setting up of self-employment units;

(f) housing facilities at subsidised rates; and

(g) provision of supply of essential commodities of daily use at subsidised rates.

(v) recommend to the Central Government the welfare measures for overall development of the families belonging to the economically weaker class;

(vi) recommend to the Central Government the quantum of reservation of seats in higher educational institutions including technical and professional institutions in favour of persons belonging to the economically weaker class:

Provided that while recommending the quantum of reservation, the Corporation shall ensure that it bears at least the same ratio as the population of economically weaker class bears to the total population of the country;

(vii) recommend to the Central Government the quantum of reservation of posts and services under the Central Government in favour of persons belonging to the economically weaker class:

Provided that the quantum of reservation recommended by the Corporation shall not be less than ten per cent. of the total number of the posts and services under the Central Government.

6. (1) It shall be the duty of the Central Government to implement the recommendations of the Corporation.

(2) The implementation of the recommendations of the Corporation shall have effect notwithstanding anything contained to the contrary in any judgement, decree or order of any Court or in any other law for the time being in force.

7. (1) The Corporation shall prepare, in such form and manner, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and submit it to the Central Government.

(2) The Central Government shall cause to be laid before each House of Parliament the report submitted to it under sub-section (1).

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with any of the matters dealt with in this Act.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Recommendations of the Corporation to be implemented by the Central Government.

Annual report.

Act to be in addition to any other law for the time being in force.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

A considerable chunk of our society is living below poverty line. They are deprived of adequate access to the basic needs of life such as health, education, housing, food, security, employment, etc. These persons belong to vulnerable, disadvantaged and marginalised section of the society and are deprived of enjoying their basic rights. Ours is a welfare State. It is the duty of the welfare State to ensure overall development of all sections of society. Successive Governments have taken steps to address the grievances of persons living below poverty line from time to time. However, till date there has been no consensus on defining and measuring the poverty. Therefore, welfare measures to provide easy access to education, food, housing, security and employment to the persons belonging to economically weaker class of the society in a targeted manner are not being implemented effectively.

The Bill proposes to establish a Corporation to:—

- (i) identify the persons belonging to economically weaker class;
- (ii) maintain a register of persons belonging to economically weaker class;
- (iii) provide certain facilities like financial assistance, housing, educational loan, health-care facilities to the persons belonging to the economically weaker class; and
- (iv) suggest measures to the Central Government for overall development of persons belonging to the economically weaker class.

The Bill also provides for reservation in posts and services under the State and in admission to educational institutions in favour of persons belonging to economically weaker class on the recommendations of the Corporation.

Hence this Bill.

NEW DELHI;
March 26, 2012.

KODIKUNNIL SURESH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the Economically Weaker Class Corporation. Clause 4 provides for constitution of Fund with an initial corpus of rupees five thousand crore and it also provides for supply of adequate funds by the Central Government from time to time for carrying out the purposes of this Act. Clause 5 provides for identification and maintaining of a register of families belonging to economically weaker class. It also provides for certain facilities like free education to the children, opportunities for employment and self-employment, financial assistance, educational loans at subsidised rates of interest, housing, etc. to the persons belonging to the economically weaker sections. Clause 6 provides for implementation of the recommendations of Corporation by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten thousand crore will be involved per annum.

A non-recurring expenditure of about rupees six thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 42 OF 2012

A Bill to provide for certain welfare measures for commercial crops workers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Commercial Crops Workers (Welfare) Act, 2012.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "commercial crop" includes rubber, coffee, tea, cashew, spices, cardamom and such other crops as the Central Government may notify under section 4;

(iii) "prescribed" means prescribed by rules made under the Act; and

(iv) "commercial crop worker" means any person engaged in any work relating to commercial crop including its cultivation and harvesting and who receives wages, either in cash or in kind or partly in cash and partly in kind, for that work.

3. The appropriate Government shall provide the following facilities to the commercial crop workers:—

Facilities to workers.

(i) dwelling units of reasonable area at subsidized cost;

(ii) water, electricity connection and such other basic amenities, as may be prescribed, at subsidized rates;

(iii) old age pension after completing sixty years of age at the rate of rupees three thousand per month;

(iv) disability allowance at the rate of rupees three thousand per month in case a worker becomes incapacitated during the work;

(v) free healthcare facilities to workers and their families;

(vi) free educational facilities to the children of the workers upto twelfth standard; and

(vii) free life insurance cover of rupees one lakh to cover cases of death or permanent physical disability of workers.

4. The Central Government may, in consultation with concerned State Government, notify a crop as a commercial crop in that State for the purposes of this Act.

Central Government to notify a commercial crop.

5. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide funds.

6. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Provisions of the Act to be in addition to other laws.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of workers engaged in commercial crops sector toil for long hours for abundant growth of commercial crops. However, their living conditions are miserable and there is no scheme for their welfare. It is, therefore, essential that steps are taken for improvement of their living conditions by enacting an appropriate law aimed at their overall welfare.

It is, accordingly, proposed to provide certain basic facilities to commercial crops workers.

Hence this Bill.

NEW DELHI;
March 26, 2012.

KODIKUNNIL SURESH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide certain facilities to the commercial crop workers. Clause 5 provides for payment of adequate funds to the States for carrying out the purposes of the Act. While some of the expenditure shall be borne out of the Consolidated Funds of the respective States, the Central Government shall also provide adequate funds to the States for the purposes of this Bill. Moreover, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 41 OF 2012

A Bill to provide for certain basic facilities to the persons belonging to the Scheduled Castes and living in hamlets and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Castes Hamlets (Provision of Basic Facilities) Act, 2012.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires, "hamlet" means a small village or a cluster of houses inhabited by the persons belonging to the Scheduled Castes.

Identification of hamlets inhabited by persons belonging to Scheduled Castes.

3. (1) The Central Government shall, within a period of one year from the date of coming into force of the Scheduled Castes Hamlets (Provision of Basic Facilities) Act, 2012, identify the hamlets inhabited by the persons belonging to the Scheduled Castes.

(2) For the purpose of identifying hamlets under sub-section (1), the Central Government shall use such methods as it may deem fit.

Funds to the State Governments for providing certain basic facilities.

4. The Central Government shall provide adequate funds to the State Governments for the purposes of providing the following basic facilities free of cost to the persons belonging to the Scheduled Castes and living in hamlets identified under section 3, namely:—

- (i) potable water;
- (ii) electricity;
- (iii) sewage facilities;
- (iv) toilet facilities;
- (v) road connectivity;
- (vi) primary health centres;
- (vii) parks;
- (viii) crematorium; and
- (ix) pucca dwelling units.

Act not to be in derogation of any other law.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being.

Power to make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The persons belonging to the Scheduled Castes have been, for centuries, the most neglected, marginalized and exploited. After independence, the polity of our nation has realized the importance of development of weaker sections specially the Scheduled Castes. Consequently, planned efforts have been made for their upliftment by the successive Governments. However, the benefits of affirmative action by the successive Governments for the welfare of persons belonging to the Scheduled Castes have reached only to a small section of these persons in the last sixty-four years. Majority of persons of these castes are facing a lot of problems due to poor living conditions in the hamlets where they live in. They do not have access to the basic necessities of life like potable water, sanitation, *pucca* houses, electricity etc., and are, therefore, unable to live a dignified life.

Therefore, it is proposed that all hamlets inhabited by the persons belonging to the Scheduled Castes should be provided with all basic facilities to improve their standard of living.

Hence this Bill.

NEW DELHI;
March 26, 2012.

KODIKUNNIL SURESH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for identification of hamlets inhabited by the persons belonging to the Scheduled Castes. Clause 4 provides that the Central Government shall provide adequate funds to the State Governments for providing certain basic facilities to the persons belonging to the Scheduled Castes and living in hamlets. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum.

A sum of rupees ten thousand crore would be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 38 OF 2012

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2012.

(2) *Explanation 1* to section 377 shall be deemed to have always been in force notwithstanding anything contained to the contrary in any other law for the time being in force or any judgement, order or decree of any court.

Amendment of section 377.

2. In section 377 of the Indian Penal Code, 1860, the existing *Explanation* shall be numbered as *Explanation 2*, and before *Explanation 2* as so numbered, the following *Explanation* shall be inserted, namely:—

Explanation 1.—For the purposes of this section, the expression "carnal intercourse against the order of nature" shall include consensual homosexual act of adults and such act shall be deemed to be an unnatural offence under this section.".

45 of 1860.

STATEMENT OF OBJECTS AND REASONS

Recently, there have been repeated attempts for decriminalisation of homosexuality or gay sex by the Courts while interpreting the provisions of section 377 of the Indian Penal Code, 1860. In its recent judgement, the Hon'ble Delhi High Court, while legalizing consensual homosexual activities between adults, observed that the essence of section 377 goes against the fundamental rights of the citizens and if not amended, the said section would violate articles 14, 15 and 21 of the Constitution. The Court clarified that the provisions of section 377 of the Code will continue to govern non-consensual penile non-vaginal sex and penile non-vaginal sex involving minors. The Court also observed that the clarification will hold till, of course, Parliament chooses to amend the law to effectuate the recommendation of the Law Commission of India in its 172nd Report.

It is felt that the Hon'ble Court has erroneously interpreted the provisions relating to human rights enshrined in the Constitution in their application to cases of consensual homosexual acts of adults. No Constitution would perhaps permit and justify such kinds of unnatural acts on the grounds of protecting human rights and rule of equality. The human rights and rule of equality enshrined in our Constitution aim at providing dignified life to the masses as a whole as well as to individual citizens. However, any presumption that these provisions permit and justify consensual homosexual activities, which are against the order of the nature, would amount to an offensive interpretation and needs to be undone. With this interpretation the Court might have helped a small section of citizens but this interpretation by the Court has overlooked and ignored not only the feelings and sentiments of a large number of citizens of this country but also the basic tenets of thousand years old Indian civilization. Several social and religious organizations have continuously been protesting against gay-sex and terming it as an illegal, immoral and against the ethos of Indian Culture. It is, therefore, high time that the provisions of section 377 of the Code be affirmed as they existed before the Delhi High Court judgement by declaring the consensual sexual act between persons of same sex as an unnatural offence.

Hence, this Bill.

NEW DELHI;
March 27, 2012.

ARJUN MEGHWAL

BILL NO. 46 OF 2012

A Bill further to amend the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Amendment Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new section 16B. 2. In the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (hereinafter referred to as the principal Act), after section 16A, the following section shall be inserted, namely:—

“16B. (1) The State Supervisory Boards and the Union territory Supervisory Boards constituted under sub-section (1) of section 16A shall constitute District Working Committees in each district under their respective jurisdiction for the purpose of discharging their functions, particularly those referred to in clauses (i), (iii) and (iv) of sub-section (1) of section 16A, at district level in an efficient manner:

Constitution
of District
Working
Committee.

Provided that the District Working Committees may perform such other functions as may be assigned to them from time to time by respective State Supervisory Boards or the Union territory Boards, as the case may be.

(2) The District Working Committee shall consist of,—

(i) an officer not below the rank of Additional District Magistrate—Chairperson, *ex-officio*;

(ii) Chief Medical Officer of a Government Hospital—Member, *ex-officio*;

(iii) five eminent women activists representing women’s organization—members; and

(iv) ten persons representing reputed social organizations actively working in the district for at least ten years for prevention of determination of sex or female foeticide—members.

(3) The District Working Committee shall meet at least once in every three months and the quorum to constitute a meeting of the Committee shall be one-third of the total number of members of the Committee.

(4) For the purpose of performing its functions and activities, the District Working Committee shall follow such procedures as the State Supervisory Board or Union territory Supervisory Board, as the case may be, may specify.”

3. In section 22 of the principal Act, in sub-section (3), for the words “imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees”, the words “imprisonment for a term which may extend to ten years and with fine which may extend to one lakh rupees” shall be substituted.

Amendment
of section 22.

4. In section 23 of the principal Act,—

(i) in sub-section (2), for the words “five years”, the words “ten years” shall be substituted.

Amendment
of section 23.

(ii) in sub-section (3), for the words “imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees for the first offence and for any subsequent offence with imprisonment which may extend to five years and with fine which may extend to one lakh rupees”, the words “imprisonment for a term which may extend to five years and with fine which may extend to one lakh rupees for the first offence and for any subsequent offence with imprisonment which may extend to ten years and with fine which may extend to two lakh rupees” shall be substituted.

5. For section 25 of the principal Act, the following section shall be substituted, namely:—

“25. Whoever contravenes any of the provisions of this Act or any rules made thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to six months or with fine, which may extend to ten thousand rupees or with both and in the case of continuing contravention with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after the conviction for the first such contravention.”

Substitution
of new
section for
section 25.

STATEMENT OF OBJECTS AND REASONS

The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 was enacted with a view to prevent unscrupulous use of ultrasonography scans to determine the sex of the unborn child. However, there has been no effective implementation of the provisions of the Act to prevent female foeticide across the country. One of the prime reasons for it is that there is no effective machinery available at village level to District level in the State to create awareness among the masses about female foeticide and to check the increasing offences. Therefore, it is necessary to provide a mechanism in the Act itself for constitution of District Working Committees comprising of social workers and officials of district Administration in every District to create awareness among the masses and to implement the provisions of the Act. There is also a need to provide stringent punishment under the Act so as to deter people from committing offences.

The Bill seeks to provide for—

- (a) constitution of District Working Committees at district level to create awareness among the masses and to check increasing offences of female foeticide in every district; and
- (b) enhancing the penalty for contravention of the Act so as to deter people from committing such offences.

Hence this Bill.

NEW DELHI;
March 27, 2012.

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the Constitution of District Working Committees in every district of the States and Union territories. The District Working Committee shall consist of representatives of women organizations and social organizations working to prevent determination of sex or female foeticide in the district. The State Governments have to bear the expenditure in respect of travelling allowance, etc. to be paid to the members of the District Working Committees from their respective Consolidated Funds. However, the Central Government have to bear the expenditure in respect of District Working Committees to be constituted in the Union territories. The Bill, therefore, if enacted, would involve expenditure out of the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees one hundred crore is likely to be involved.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative powers is, therefore, of a normal character.

T.K. VISWANATHAN,
Secretary-General.